The Library of Congress'

***EARLY STATE RECORDS PROJECT***

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

# House Journal

**reformatted from the original and including,**

**House journal of the Legislative Assembly of the Territory of Dakota 1862-<1868/1869>; and**

**Journal of the House … session of the Legislative Assembly 1885-1889**

**LLMC #: 01098t**

# HOUSE JOURNAL

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

YANKTON, DAKOTA TERRITORY

PUBLISHED BY AUTHORITY
PRESS OF THE
1862

335502

LIST OF MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES

OF THE

# SECOND LEGISLATURE OF THE TERRITORY OF DAKOTA,

WITH THEIR RESIDENCE, AGE, OCCUPATION, FAITH, WEIGHT, &c

| *Name* | *County* | *Postoffice* | *Occupation* | *Age* | *Nativity* | *Faith.* | *W't* | *Settled in Dakota.* | |
|---|---|---|---|---|---|---|---|---|---|
| M K Armstrong | Yankton | Yankton | Surveyor | 30 | Ohio | Protestant | 142 | 1859 | Single |
| L Bothun | Clay | Vermilion | Farmer | 27 | Norway | Lutheran | 140 | 1861 | Married, |
| J Y Buckman | Pembina | Pembina | Trader | 29 | Penn'a | Quaker | 150 | 1860 | Single |
| H S Donaldson | St Joseph | St Joseph | Trader | 30 | Canada | | 158 | 1857 | Single |
| M H Somers | Cole | Brule Creek | Farmer | | Maine | | | 1860 | Married |
| E Gifford | Bon Homme | Bon Homme | Farmer | 25 | N Y | Quaker | 155 | 1858 | Single |
| A J Harlan | Clay | Vermilion | Lawyer | | | Quaker | | | Married |
| J A Jacobson | Clay | Vermilion | Farmer | 31 | Norway | Lutheran | 175 | 1860 | Married |
| R M Johnson | Bon Homme | Bon Homme | Farmer | 26 | Ind | Protestant | 158 | 1859 | Single |
| Knud Larson | Yankton | Yankton | Farmer | 23 | Norway | Lutheran | 165 | 1860 | Single |
| F D Pease | Charles Mix | Greenwood | Trader | 26 | Penn'a | | | 1856 | Single |
| A W Puett | Clay | Vermilion | Civil Eng'r | 29 | Ind | Baptist | 175 | 1859 | Married |
| N J Wallace | Elk Point | Elk Point | Farmer | 31 | N H | | | 1861 | Single |
| G P Waldron | Minnehaha | Sioux Falls | Lawyer | 39 | N H | | | 1859 | Married, |

## OFFICERS.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| M K Armstrong* | Yankton | Yankton | Lawyer | 30 | Ohio | Protestant | 142 | 1859 | Single |
| R M Hagaman † | Yankton | Yankton | Merchant | 26 | N Y | Unknown | 158 | 1861 | Single |
| J M Allen ‡ | Yankton | Yankton | Lawyer | 30 | Ohio | | | 1859 | Single |
| G Jacobson ‖ | Clay | Vermilion | Farmer | 28 | Norway | Lutheran | 185 | 1860 | Married |
| T Halverson § | Clay | Vermilion | Preacher | | Norway | R Catholic | 155 | 1860 | Married |
| J S Presho ¶ | Yankton | Yankton | Blacksmith | 46 | N Y | | | 1858 | Single |
| J L Paine ** | Cole | Brule Creek | Minister | 24 | Ohio | Methodist | 172 | 1860 | Married |

* *Speaker* † *Chief Clerk* ‡ *Assistant Clerk* ‖ *Sergeant-at-Arms* § *Messenger* ¶ *Fireman* ** *Chaplain*

# HOUSE JOURNAL.

---

FIRST DAY.

[illegible]

[illegible]

[illegible] by [illegible] Hutchinson,

[illegible]

[illegible]

[illegible]

[illegible]

On motion of Secretary Hutchinson,

United States Attorney Gleeson administered the oath of office to the members thus answering to their names.

On motion,

The house proceeded to a temporary organization.

On motion of Mr. Armstrong,
Mr. Harlan was elected speaker, pro tem.

On motion of Mr. Puett,
R. M. Hagaman was elected chief clerk, pro tem.

On motion of Mr. Armstrong,
William High was elected sergeant-at-arms, pro tem.

The attorney then administered the oath of office to the chief clerk, pro tem, and the sergeant-at-arms, pro tem.

On motion of Mr Armstrong, the
House adjourned at half-past 1 o'clock P. M, to meet tomorrow at ten o'clock A. M.

A. J. HARLAN, *Speaker, pro tem.*

R M. HAGAMAN, *Chief Clerk. pro tem.*

---

## SECOND DAY.

Tuesday, December 2, 1862.

House met pursuant to adjournment.

Speaker, pro tem. in the chair.

Journal of yesterday being read,
Mr. Armstrong moved to correct the journal by inserting the statement made by the secretary on calling the roll of the members, which

Motion prevailed.

Journal was approved as corrected.

On motion of Mr. Armstrong, the
House proceeded to the election of a permanent speaker.

Mr. Jacobson nominated Mr. Puett.

Mr. Armstrong nominated Mr. Harlan.

The vote being taken, *viva voce*, resulted as follows:
Harlan, 3; Puet, 4; and Donaldson, 1.

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, and Donaldson.

Those voting for Mr. Puett were
Messrs. Bothun, Jacobson, Larson, and Puett.

Mr. Harlan voted for Mr. Donaldson.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote.

The vote being taken, *viva voce*, resulted as follows·
Harlan, 3; Puett, 3; and Donaldson, 2

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, and Donaldson.

Those voting for Mr. Puett were
Messrs. Bothun, Jacobson, and Larson.

Those voting for Mr. Donaldson were
Messrs. Harlan and Puett.

Whole number of votes cast 8.

Necessary to a choice 5

Mr. Donaldson moved to adjourned, which
Motion did not prevail.

On motion of Mr. Puett, the
Motion to elect a permanent speaker was laid on the table.

On motion of Mr. Donaldson, the
House adjourned at half-past 10 to meet to-morrow at ten o'clock A. M.

A. J. HARLAN, *Speaker, pro tem.*

R. M. HAGAMAN, *Chief Clerk, pro tem.*

# THIRD DAY

Wednesday, Dec [illegible] 1851

House met pursuant to adjournment

Speaker, pro-tem in the chair

The journal of yesterday read and approved

Mr Donaldson introduced the following resolution, which was adopted

*Resolved*, That the rules, practice and regulations of the last general assembly be, and they are hereby adopted for the government and regulation of this house until otherwise ordered.

Mr Armstrong presented petitions and papers, in favor of Mr Wallace, of Cole county, claiming a seat in this house, and moved to refer the case to a select committee of three.

Mr Puett objected

Mr Armstrong withdrew the motion

Mr Puett presented certificates and papers of Mr Peter Charles McKinney, claiming a seat in this house, and moved that they be referred to a select committee of three, and withdrew his objections to refer the papers of Mr Wallace to the same committee

On motion of Mr. Puett, the
House proceeded to the election of assistant clerk, pro-tem

Mr. Puett nominated B M Smith

The vote being taken, *viva voce*,
Mr. Smith was unanimously elected

On invitation of the chair,
Chief justice Bliss administered the oath of office to the assistant clerk, pro-tem.

On motion of Mr. Armstrong, the
House proceeded to the election of chaplain, pro-tem

Mr. Armstrong nominated Mr. Paine.

The vote being taken, *viva voce*,
Mr. Paine was unanimously elected chaplain, pro-tem.

Mr. Armstrong presented the papers and certificate of Henry A. Kennerly, of Todd county, claiming a seat in this house.

Also, presented the papers of M. H. Somers, of Cole county, R. M. Johnson and Edward Gifford, of Bon Homme county, claiming seats in this house.

Mr. Donaldson presented the papers of Mr. Waldron, of Minnehaha county, claiming a seat in this house.

On motion of Mr. Armstrong, the
Papers of all persons claiming seats in this house, were referred to a select committee of three, to be appointed by the chair.

The chair appointed Messrs Armstrong, Puett and Donaldson such committee.

On motion of Mr. Puett, the
House adjourned at one-quarter past eleven o'clock, to meet to-morrow at ten o'clock, A. M.

A. J. HARLAN, *Speaker, pro-tem.*

R. M. HAGAMAN, *Chief Clerk, pro tem.*

---

## FOURTH DAY.

Thursday, December 4, 1862.

House met pursuant to adjournment.

Speaker pro-tem in the chair.

Prayer by the chaplain, pro-tem.

Roll called.

Present—Messrs Armstrong, Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson, and Puett.

Journal of yesterday was read and approved.

Mr. Armstrong, chairman of select committee, asked further time to report.
Granted.

On motion of Mr. Puett, the
House proceeded to the election of messenger, pro tem.

Mr. Lawrence and Mr. Burgess were nominated.

The vote being taken, *viva voce*, resulted as follows:
Lawrence 4, Burgess 4.

Those voting for Mr. Lawrence, were
Messrs Buckman, Jacobson, Larson, and Puett.

Those voting for Mr. Burgess were
Messrs Armstrong, Bothun, Donaldson, and Harlan.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote.

The vote being taken *viva voce*, resulted as follows:
Lawrence 4, and Burgess 4.

Those voting for Mr Lawrence were
Messrs Buckman, Jacobson, Larson, and Puett.

Those voting for Mr. Burgess were
Messrs Armstrong, Bothun, Donaldson, and Harlan.

Whole number of votes cast 8.
Necessary to a choice 5.

There being no choice, the
House proceeded to a third vote.

The vote being taken *viva voce*, resulted as follows:

Mr. Armstrong asked to be excused from voting.
Granted.

Lawrence 4, and Burgess 3.

Those voting for Mr. Lawrence were
Messrs. Buckman, Jacobson, Larson, and Puett

Those voting for Mr. Burgess were
Messrs. Bothun, Donaldson, and Harlan.

Whole number of votes cast 7.

Necessary to a choice 4.

Mr. Lawrence was declared elected, and
Chief Justice Bliss then administered the oath of Office to the messenger, pro-tem.

On motion of Mr. Puett, the
House proceeded to the election of fireman pro-tem.

Mr. Armstrong nominated Mr. Presho.

Mr. Jacobson nominated Mr. Leamstead.

The chair nominated Messrs Halverson and McCue.

The vote being taken, *viva voce*, resulted as follows:
Leamstead 3, Presho 3, and Halverson 2.

Those voting for Mr. Leamstead were
Messrs. Jacobson, Larson, and Puett.

Those voting for Mr. Presho were
Messrs. Armstrong, Buckman, and Donaldson.

Those voting for Mr. Halverson were
Messrs Bothun, and Harlan.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote, which resulted as follows.

Leamstead 2, Presho 3, Halverson 1, and McCue 2.

Those voting for Mr. Leamstead were
Messrs. Jacobson, and Larson.

Those voting for Mr. Presho were

Messrs. Armstrong, Buckman, and Donaldson.

Mr. Bothun voting for Mr. Halverson.

Those voting for Mr. McCue were
Messrs. Harlan, and Puett.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a third vote, which resulted as follows:

Leamstead 4, Presho 3, and Halverson 1.

Those voting for Mr. Leamstead were
Messrs. Bothun, Jacobson, Larson, and Puett.

Those voting for Mr. Presho were
Messrs. Armstrong, Buckman, and Donaldson.

Mr. Harlan voting for Mr. Halverson.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a fourth vote, which resulted as follows:

Leamstead 2, Presho 5, McCue 1.

Those voting for Mr. Leamstead were
Messrs. Jacobson, and Larson.

Those voting for Mr. Presho were
Messrs. Armstrong, Bothun, Buckman, Donaldson, and Puett.

Mr. Harlan voting for Mr. McCue.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Presho having received the number of votes necessary to a choice, was declared duly elected.

On motion of Mr. Puett, the

House took from the table the motion to elect a permanent speaker.

On motion of Mr. Puett, the
House proceeded to the election of permanent speaker.

Mr. Donaldson moved to adjourn until to-morrow at ten o'clock A. M., which
Motion did not prevail.

Mr. Jacobson nominated Mr. Puett.

Mr. Armstrong nominated Mr. Harlan.

The vote being taken, *viva voce* resulted as follows:
Buckman 2, Harlan 3, and Puett 3.

Those voting for Mr. Buckman were
Messrs. Harlan, and Puett.

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, and Donaldson.

Those voting for Mr. Puett were
Messrs. Bothun, Jacobson, and Larson.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote.

Mr. Puett then withdrew his name, and nominated Mr. Armstrong.

Mr. Armstrong declined to be a candidate.

The vote being taken, *viva voce,* resulted as follows:
Armstrong 4, Harlan 3, and Donaldson 1.

Those voting for Mr. Armstrong were
Messrs. Bothun, Jacobson, Larson, and Puett.

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, and Donaldson.

Mr. Harlan voting for Mr. Donaldson.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Armstrong moved to adjourn until six o'clock, which Motion did not prevail.

There being no choice, the
House proceeded to a third vote.

The vote being taken, *viva voce*, resulted as follows:
Armstrong 4, Harlan 3, and Donaldson 1.

Those voting for Mr. Armstrong were
Messrs. Bothun, Jacobson, Larson, and Puett.

Those voting for Mr. Harlan were
Messrs Armstrong, Buckman, and Donaldson.

Mr. Harlan voting for Mr. Donaldson.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Armstrong moved to adjourn until to-morrow at ten o'clock A. M., which
Motion did not prevail.

On motion of Mr. Armstrong, the
Motion to elect a permanent speaker was laid on the table.

On motion of Mr. Armstrong, the
House adjourned at half past eleven o'clock, to meet to-morrow at ten o'clock A. M.

A. J. HARLAN, *Speaker, pro tem.*

R. M. HAGAMAN, *Chief Clerk, pro tem.*

---

## FIFTH DAY.

Friday, December 5th, 1862.

House met pursuant to adjournment.

Speaker, pro-tem. in the chair.

Prayer by the chaplain, pro-tem.

Roll called.

Present—Messrs. Armstrong, Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson and Puett.

Journal of yesterday read and approved.

Mr. Presho, fireman, pro-tem. presented himself and took the oath of office—administered by chief justice Bliss.

It was asked by the chair, on behalf of the religious societies, the use of the house for public worship.

On motion of Mr. Puett. the

House was tendered to the different religious denominations for holding services.

Mr. Armstrong, chairman of select committee on credentials, made the following majority report, to-wit:

## REPORT OF SELECT COMMITTEE.

*To the Hon. House of Representatives of the Legislative Assembly of the Territory of Dakota:*

The select committee to whom was referred the memorial of N. J. Wallace, M. H. Somers, William Mathews and William Frisbie, of the 1st Representative district—Edward Gifford, R. M. Johnson, Laban H. Littlefield and Henry Hartsough, of the 7th Representative district—Henry A. Kennerly and F. D. Pease of the 8th Representative district, claiming seats upon the floor of this house of representatives from the said respective districts, beg leave to report to the house, that time has been allowed the respective contestants to adduce all the proofs necessary and pertinent to eluminate the truth and aid your committee in the determination arrived at in this report, that they have with much deliberation and care considered the testimony in these several contests, and beg to present hereby their conclusions and recommendations in the premises. Your committee would ask to be excused from here reciting in detail the evidence elicited in the examination and will allude in brief and in their order the conclusion of fact which the testimony afford-

ed to their minds, referring the house to the proofs themselves, herewith accompanying, as to the propriety and right of the views taken of the subject matter by your committee. Your committee find that in the 1st Representative district, comprising Cole county, that three election or voting precincts were held, to wit: one at what is known as Big Sioux Point, one at Elk Point, and the third at Brule Creek, on the 1st day of September last agreeably with legal notice; that at said election in said 1st representative district, N. J. Wallace, M. H. Somers, William Mathews, and William Frisbie, were candidates respectively, for the office of representatives in the house of representatives in the second legislature of the Territory of Dakota; that the election at said Big Sioux Point and Elk Point precincts, held on that day, were conducted in a fair, formal, legal, and orderly manner; that the election at Brule Creek precinct was characterized by systematic, deliberate, and obviously preconcerted fraud, and a predetermination to outvote, by fraudulent and factitious means, the other two precincts before mentioned, without regard to consequence, to character or the elective franchise. The location of the county seat of Cole county, submitted to the popular vote, doubtless, more than any other motive, instigated, planned, and effected the most flagitious wrong upon the rights and interest of the residue of the voters of the county, furnishing a precedent unrivaled, if equaled, in the history of fraudulent elections—a fraud by common concert and participation, without the usually attendent circumstances of violence in such cases; and if interest, such as might be enhanced by an achievement of this character, can ought extenuate, your committee are fain to say, is all that can be suggested or found in the transaction to cover from reproach and infamy the participants in that election fraud. The evidence before your committee establishes, as facts, that the polls at this precinct were first opened at midnight preceding the regular election held on the 1st day of September, 1862, at a place different from the place where the election was called or was held at the regular hours; that at the midnight sitting *thirty-three* or more votes were cast; that these votes were all illegal, being cast by non-residents and minors; that the object and purpose of casting these votes, at

this time, and in this manner, was to avoid any challenge or question as to the rights of the parties voting to enjoy the elective franchise in this precinct; that the same ballot box in which these votes were received was used at the regular hour, and at the properly named place for holding the election in this precinct; that the ballots cast as heretofore stated still remained in this box, and were counted and canvassed with the ballots cast at the regular hour, and at another place; that the judges of the election at the first sitting (the midnight one,) were non-residents of the precinct, sent into it by some evilly disposed person, for the purpose of subserving their own personal and selfish ends; that in the attempt to canvass the vote of the precinct by the judges it was discovered that the number of ballots far exceeded the number of names on the poll-books, and for the purpose of making the two correspond, these judges opened the box, and after selecting enough of the so called Todd ballots, as would be sufficient to correct the discrepency, took them from the box and destroyed them; that there are not over thirty legal votes in this precinct, although the returns from the same show *seventy-two* to be the number of votes cast, which is a greater number than the combined vote of the Big Sioux Point and Elk Point precincts, when, in fact, the legal vote of Brule Creek precinct hardly equals that of either of the precincts in Cole county; that Wallace and Somers received the following vote, viz: Wallace, in Elk Point precinct, 27 votes; in Big Sioux Point precinct, 25 votes; Somers, in Elk Point precinct, 25 votes; in Big Sioux Point precinct, 22 votes—omitting the vote received by them in the Brule Creek precinct, while Mathews received but 10 votes in Big Sioux and Elk Point precints, and Frisbie but 9 votes in these two last named precincts. That we are fully satisfied of the legality and fairness of the election in Big Sioux and Elk Point; that in view of all the circumstances no other disposition can, in equity and justice, be made of the vote of Brule Creek than to throw it out, and entirely disregard it in canvassing the vote of that district; that your committee are only led to this conclusion from the fact that the illegalities and frauds of the election at this precinct are so commingled and intermixed with what even might have been legal and honest; that it is impos-

sible to distinguish between the fraudulent and honest, the legal and illegal, or to determine what portion of it should be canvassed and what not, but are fully satisfied after a thorough, fair, and impartial investigation, that had Mathews and Frisbie received all the legal votes of this precinct, together with what they received in the other two, they would not then have received as many votes as Wallace and Somers received in the two precincts of Big Sioux Point and Elk Point.

Therefore, in view of all the foregoing circumstances, and influenced only by a desire to do justice to all parties, they can arrive to but one conclusion in the premises, viz: that N. J. Wallace and M. H. Somers are the legally and fairly elected representatives for this district, and are now legally and justly entitled to seats in this house.

M. K. ARMSTRONG,
H. S. DONALDSON.

On motion of Mr. Puett,

The report was laid on the table and made the special order for to-morrow at half-past ten o'clock.

Mr. Armstrong asked time to make a further report in the other cases, which was

Granted.

On motion of Mr. Puett, the

Motion to elect a permanent speaker was taken from the table, and the house proceeded to the fourth vote for permanent speaker.

Mr. Jacobson nominated Mr. Puett.

Mr. Armstrong nominated Mr. Harlan.

The vote being taken, *viva voce*, resulted as follows:
Harlan, 3; Puett, 3; Donaldson, 1; Buckman, 1.

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, and Donaldson.

Those voting for Mr. Puett were
Messrs. Bothun, Jacobson, and Larson.

Mr. Harlan voting for Mr. Donaldson.

Mr. Puett voting for Mr. Buckman.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a fifth vote.

The vote being taken, *viva voce*, resulted as follows:
Harlan, 6; Puett, 1; Donaldson, 1.

Those voting for Mr. Harlan were
Messrs. Armstrong, Buckman, Donaldson, Jacobson, Larson, and Puett.

Mr. Bothun voting for Mr. Puett.

Mr. Harlan voting for Mr. Donaldson.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Harlan having received the number of votes necessary to a choice, was declared duly elected.

Mr. Harlan, on taking the chair as permanent speaker, made the following remarks:

*Gentlemen of the House of Representatives:*

In returning you thanks for the honor you have done me, in selecting me as presiding officer of this house, I have to say that so far as it is in my power I shall discharge the duties thus devolving upon me with fidelity and impartiality. In assuming this responsibility, I am quite sensible of the fact that I shall be unable to discharge those duties acceptably without the aid of my fellow members, to whose courtesy and gentlemanly bearing I look forward with much hope—expecting them to assist in the faithful performance of the duties of the chair.

On motion of Mr. Puett, the
House proceeded to the election of chief clerk.

Mr. Puett nominated Mr. Hagaman.

Mr. Donaldson nominated Mr. Smith.

The vote being taken, *viva voce*, resulted as follows:
Hagaman, 4; Smith, 4.

Those voting for Mr. Hagaman were
Messrs. Bothun, Jacobson, Larson, and Puett.

Those voting for Mr. Smith were
Messrs. Armstrong, Buckman, Donaldson, and Harlan.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote.

The vote being taken, *viva voce*, resulted as follows :
Same result.

There being no choice, the
House proceeded to a third vote.

The vote being taken, *viva voce*, resulted as follows :
Same result.

There being no choice, the
House proceeded to a fourth vote.

The vote being taken, *viva voce*, resulted as follows :
Same result.

There being no choice, the
House proceeded to a fifth vote.

The vote being taken, *viva voce*, resulted as follows :
Hagaman, 3 ; and Smith, 5.

Those voting for Mr. Hagaman were
Messrs. Bothun, Larson, and Puett.

Those voting for Mr. Smith were
Messrs. Armstrong, Buckman, Donaldson, Harlan, and Jacobson.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Smith having received the number of votes necessary to a choice, was declared duly elected.

United States Attorney Gleeson then administered the oath of office to the chief clerk.

On motion of Mr. Puett, the
House proceeded to the election of permanent assistant clerk.

Mr. Puett nominated R. M. Hagaman.

The vote being taken, *viva voce*,
Mr. Hagaman was unanimously elected.

United States Attorney Gleeson then administered the oath of office to the assistant clerk.

On motion of Mr. Puett, the
House proceeded to the election of permanent sergeant-at-arms.

Mr. Bothun nominated Gustave Jacobson.

Mr. Armstrong nominated William High.

Mr. Donaldson nominated John Stanage.

The vote being taken, *viva voce*, resulted as follows:
Jacobson 6, Stanage, 1 and High 1.

Those voting for Mr. Jacobson, were
Messrs. Bothun, Buckman, Harlan, Jacobson, Larson and Puett.

Mr. Donaldson, voting for Mr. Stanage.

Mr. Armstrong, voting for Mr. High.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Jacobson having the number of votes necessary to a choice was declared duly elected.

U. S. Attorney Gleeson, then administered the oath of office to the Sergeant-at-Arms.

On motion of Mr. Puett, the

House proceeded to the election of permanent fireman.

Mr. Armstrong nominated Mr. Presho.

The chair nominated Mr. Burgess.

The vote being taken, *viva voce*, resulted as follows:
Presho 6, Burgess 2.

Those voting for Mr. Presho, were
Messrs. Armstrong, Bothun, Buckman, Donaldson, Jacobson and Larson.

Those voting for Mr. Burgess, were
Messrs. Harlan and Puett.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Presho having received the number of votes necessary to a choice, was declared duly elected.

U. S. Attorney Gleeson admistered the oath of office to the fireman.

On motion of Mr. Puett, the
House proceeded to the permanent election of messenger.

Mr. Puett nominated Thos. Halverson.

Mr. Donaldson nominated William Stevens.

Mr. Armstrong nominated Peter Johnson.

Mr. Harlan nominated Mr. McCue.

Mr. Buckman nominated John Lawrence.

The vote being taken, *viva voce*, resulted as follows:
Halverson 3, Stevens 1, Johnson 2, McCue 1, Lawrence 1.

Those voting for Mr. Halverson, were
Messrs. Bothun, Jacobson and Puett.

Mr. Donaldson voting for Mr. Stevens.

Messrs. Armstrong and Larson voting for Mr. Johnson.

Mr. Harlan voting for Mr. McCue, and
Mr. Buckman voting for Mr. Lawrence.

Whole number of votes cast 8.

Necessary to a choice 5.

There being no choice, the
House proceeded to a second vote for messenger.

Mr. Armstrong withdrew the name of Peter Johnson.

The vote being taken, *viva voce*, resulted as follows:
Halverson 5, Stevens 2, Lawrence 1.

Those voting for Mr. Halverson, were
Messrs. Bothun, Harlan, Jacobson, Larson and Puett.

Those voting for Mr. Stevens, were
Messrs. Armstrong and Donaldson.

Mr. Buckman voting for Mr. Lawrence.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Halverson having received the number of votes necessary to a choice, was declared duly elected.

U. S. Attorney Gleason administered the oath of office to the messenger.

On motion of Mr. Puett, the
House proceeded to the election of permanent chaplain.

Mr. Puett nominated Mr. Paine.

Mr. Jacobson nominated Mr. Metcalf.

The vote being taken, *viva voce*, resulted as follows:
Payne 6, Metcalf 2.

Those voting for Mr. Payne, were
Messrs. Armstrong, Buckman, Donaldson, Harlan, Larson and Puett.

Those voting for Mr. Metcalf, were
Messrs. Bothun and Jacobson.

Whole number of votes cast 8.

Necessary to a choice 5.

Mr. Paine, having received the number of votes necessary to a choice, was declared duly elected.

Mr. Puett offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the chair, to wait upon the Secretary and ascertain what amount of postage and newspapers will be furnished to the members of this House.

The chair appointed Messrs. Puett, Bothun and Buckman, as such committee.

Mr. Armstrong introduced the following resolution:

*Resolved*, That the chief clerk of this house be instructed to inform the Hon. council that the house is permanently organized, and ready to proceed to business.

Mr. Armstrong withdrew the resolution, and

Introduced the following, which was adopted:

*Resolved*, That a committee of two be appointed by the chair to act in conjunction with a similar committee on the part of the council to wait upon the Governor and inform him that the two houses are now permanently organized, and ready to receive any communication he may have to make.

The chair appointed Messrs. Armstrong and Jacobson said committee.

Mr. Donaldson introduced the following resolution, which was adopted:

*Resolved*, That the chief clerk of this house be requested to notify the council that the house is now permanently organized, by the election of the following officers:

A. J. Harlan, Speaker;
B. M. Smith, Chief Clerk;
R. M. Hagaman, Assistant Clerk;
Gustave Jacobson, Sergeant-at-Arms;
Thomas Halverson, Messenger;
J. F. Presho, Fireman;
J. L. Payne, Chaplain;
And is now ready to proceed to Legislative business.

Mr. Armstrong moved to reconsider the motion to lay on the table that part of select committee report, relating to the Cole county contestants, which

Motion did not prevail.

On motion of Mr. Donaldson, a

Committee of three were appointed by the chair to agree upon rules for the government of this house.

The chair, thereupon appointed Messrs. Donaldson, Puett and Armstrong.

On motion of Mr. Donaldson, the

Rules of the last session were adopted for the government of this house until otherwise ordered.

The house then proceeded to the consideration of the regular order of business.

On motion of Mr. Puett, the

House adjourned at half past eleven o'clock, to meet to-morrow at ten o'clock A. M.

A. J. HARLAN, *Speaker.*

B. M. SWITH, *Chief Clerk.*

---

## SIXTH DAY.

Saturday, December 6, 1862.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Armstrong, Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson, and Puett.

The following message was received from the council:

COUNCIL CHAMBER,
December 6, 1862.

MR. SPEAKER:

I am instructed to inform the house that the council have permanently organized by the election of the following officers:

Enos Stutsman, President.
James Tufts, Secretary.
W. W. Warford, Assistant Secretary.
L. P. Robinson, Sergeant-at-Arms.
H. Gunderson, Messenger.
Ole Halverson, Fireman.
M. Hoyt, Chaplain.

JAMES TUFTS,
*Secretary Council.*

Journal of yesterday was read, corrected, and approved.

Mr. Puett, from select committee to wait on the Secretary in regard to postage and newspapers, made the following report:

MR. SPEAKER:

Your committee appointed to wait upon the Secretary relative to postage and newspapers, would respectfully submit the following communication from the Hon. Secretary, and ask that it be made a part of the committee's report and the committee discharged.

A. W. PUETT,
L. BOTHUN,
J. Y. BUCKMAN.

SECRETARY'S OFFICE, YANKTON,
December 6, 1862.

*Messrs. Puett, Buckman and Bothun, Committee of the House of Representatives:*

In reply to your inquiry in relation to the amount of postage which will be paid to the members of the house of representatives, by the Secretary, I have to say that the postage of the members will, at present, be paid at the post office. Each member will write his name on all letters papers and documents by him deposited.

In reply to inquiries relative to newspapers which the Secretary will furnish to the members, I will say that I will furnish newspapers published within the Territory to the amount of $3 00 to each member.

I am, gentlemen,

Your obedient servant,

JOHN HUTCHINSON,

*Secretary.*

On motion of Mr. Armstrong, the

Chair appointed Messrs. Armstrong and Bothun as committee on the part of the house to act with a similar committee on the part of the council to draft rules for the government of both houses in joint convention.

The hour having arrived for the consideration of special orders,

The report of the select committee on contestants, was taken up and read.

The following message was received from the council :

COUNCIL CHAMBER,
Saturday, December 6, 1862.

MR. SPEAKER :

I have to inform the house that Messrs. Shober and Gregory have been appointed a committee on the part of the council to confer with a similar committee from the house to wait upon His Excellency the Governor, and inform him that the two houses are now permanently organized, and ready to receive any communication he may have to make.

JAMES TUFTS,

*Secretary.*

Mr. Armstrong moved the adoption of the report so far as it relates to Cole county contestants.

Mr. Puett was called to the chair.

Speaker resumed the chair.

On motion of Mr. Bothun, the

Further consideration of the report was laid on the table.

Mr. Bothun introduced the following resolution:

*Resolved*, That N. J. Wallace and Wm. H. Frisbie be and are entitled to seats in this house, as representatives from Cole county until it is shown that other persons have a right to said seats.

Mr. Donaldson offered the following amendment:

Amend by striking out the name of Frisbie and insert the name of M. H. Somers, which was

Rejected.

The question recurring on the original motion, it was

Carried.

Messrs. Frisbie and Wallace then took the oath of office, administered by United States Attorney Gleeson, and were admitted to seats in the house.

The following message was received from the council:

COUNCIL CHAMBER,
Saturday, December 6, 1862.

MR. SPEAKER:

I have the honor to inform the house that the council have appointed Messrs. Shober, Bramble, and McFetridge, a committee to confer with a similar committee appointed by the house to prepare joint rules for the government of the two houses.

JAMES TUFTS,
*Secretary.*

Mr. Bothun moved to adjourn till 2 o'clock P. M., which was

Lost.

Mr. Puett moved to adjourn till half-past 2 o'clock P. M.

Lost.

On motion of Mr. Puett, the

House adjourned at half-past 11 A. M., to meet at 2 o'clock P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Bothun offered the following resolution:

*Resolved*, That L. H. Litchfield and R. M. Johnson be and are entitled to seats in this house, as representatives from the 7th representative district, until it shall be shown that said seats belong to other persons.

Mr. Donaldson moved to amend by striking out the name of L. H. Litchfield, which was

Lost.

The question recurring on the passage of the original resolution, which was

Adopted.

Messrs. Litchfield and Johnson then came forward and took the oath of office, and were admitted to seats in this house.

Mr. Armstrong presented the following petition from M. H. Somers:

Yankton, December 6, 1862.

*To the honorable House of Representatives, of the Territory of Dakota:*

MR. SPEAKER:

I desire hereby most respectfully to inform your honorable body that I will contest the claims of Wm. Frisbie, the incumbent of the seat in this house from Cole county, of the 1st representative district, and hereby file my application for admission to said seat as the duly elected representative from said district, and ask the house to take action in the premises to determine the same.

M. H. SOMERS,
Cole County,
1st Representative District.

On motion of Mr. Armstrong, the

House adjourned at a quarter past 2 o'clock to meet on Monday at 10 o'clock A. M.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## EIGHTH DAY.

Monday, Dec. 8, 1862.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

The journal of yesterday read and approved.

On the suggestion of the chair, a Page was employed for the use of the house.

The speaker announced the following standing committees:

*Privileges and Elections*—Messrs. Armstrong Bothun, and Donaldson.

*Ways and Means*—Messrs. Donaldson, Jacobson, and Wallace.

*Judiciary*—Messrs. Puett, Armstrong, and Johnson.

*Agriculture*—Messrs. Frisbie, Larson, and Jacobson.

*Military Affairs*—Messrs. Puett, Buckman, and Litchfield.

*Internal Improvements*—Messrs. Buckman, Larson, and Frisbie.

*Engrossed and Enrolled Bills*—Messrs. Bothun, and Wallace.

*Counties*—Messrs. Litchfield, Armstrong, and Frisbie.

*Corporations*—Messrs. Puett, Johnson, and Larson.

*Libraries*—Messrs. Armstrong, Jacobson, and Johnson.

*Schools, Colleges, and Universities*—Messrs. Wallace, Bothun, and Litchfield.

*Federal Relations*—Messrs. Donaldson, Puett, and Buckman.

Mr. Wallace introduced the petition of Edward Gifford, contesting the seat of L. H. Litchfield, which was

Read a first time, and

Referred to the committee on elections.

Mr. Puett offered the following resolution :

*Resolved*, That F. D. Pease be and he is hereby admitted to a seat in this house, as Representative from the 8th Representative District of Dakota Territory.

Mr. Armstrong moved to amend the resolution, by striking out the name of F. D. Pease, and inserting the name of Henry A. Kennerly.

Mr. Puett called for the previous question.

Ayes and noes being called for and ordered, resulted as follows :

Ayes, 5 ; noes, 6 ; as follows :

Ayes—Messrs. Bothun, Frisbie, Jacobson, Litchfield, and Puett.

Noes—Messrs. Armstrong, Buckman, Donaldson, Johnson, Larson, and Mr. Speaker, which was

Rejected.

The question then recurred upon the adoption of the amendment offered by Mr. Armstrong, and the

Ayes and noes being ordered, resulted :

Ayes 4, and noes 7, as follows :

Ayes—Messrs. Armstrong, Donaldson, Larson and Wallace.

Noes—Messrs. Bothun, Buckman, Frisbie, Jacobson, Johnson, Litchfield, and Puett.

So the amendment was rejected.

The question on the adoption of the resolution as originally offered was then put, and the

Ayes and noes being ordered, resulted :

Ayes, 6; noes 6, as follows:

Ayes—Messrs. Bothun, Frisbie, Jacobson, Larson, Litchfield, and Puett.

Noes—Messrs. Armstrong, Buckman, Donaldson, Johnson, Wallace, and Mr. Speaker.

So the resolution was rejected.

Mr. Litchfield offered the following resolution:

*Resolved*, That Henry Hartsough be and is hereby declared to be the legally elected representative of the seventh representative district, and is hereby admitted to a seat in this house in the place of R. M. Johnson, who is hereby removed.

The chair ruled the resolution out of order.

Mr. Frisbie appealed from the decision of the chair.

The chair ruled the appeal out of order, on the ground of no authority in the rules.

Mr. Armstrong cited the chair to the rule giving the house the right to appeal from the decision of the chair.

The chair thereupon allowed the appeal, and put the question: "Shall the opinion of the chair stand as the judgment of the house."

The ayes and noes being ordered, resulted,

Ayes 6, noes 6, as follows:

Ayes—Messrs. Armstrong, Buckman, Donaldson, Johnson, Wallace and Mr. Speaker.

Noes—Messrs. Bothun, Frisbie, Jacobson, Litchfield, Larson and Puett.

The opinion of the chair was not sustained.

Mr. Armstrong, chairman of the committee on joint rules, asked further time to report, which was

Granted.

On motion of Mr. Puett, the

House adjourned at eleven o'clock A. M., to meet to-morrow at ten o'clock A. M.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## NINTH DAY.

Tuesday, December 9, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Armstrong, Bothun, Buckman, Donaldson, Frisbie, Jacobson, Johnson, Larson, Litchfield, Puett, Wallace, and Mr. Speaker.

Journal of yesterday read, corrected and approved.

The chair decided the first business to be the consideration of the resolution offered yesterday by Mr. Litchfield, of Bon Homme.

A message from the council was received.

On motion of Mr. Armstrong, the
Message was laid on the table, temporarily.

Mr. Armstrong, chairman of the committee to wait on the Governor, made the following report:

MR. SPEAKER:

Your joint committee, appointed to meet with a similar committee appointed on the part of the council, to wait upon his excellency the Governor, and inform him that the two houses are permanently organized and ready to receive any communication he may have to make, have performed their

duty, and are requested by his excellency to say that he will be ready to communicate with the two houses in joint convention as early as to-morrow at two o'clock P. M.

J. H. SHOBER,
J. SHAW GREGORY,
*Council Committee.*
M. K. ARMSTRONG,
J. JACOBSON,
*House Committee.*

On motion of Mr. Armstrong, the following council message was taken from the table:

COUNCIL CHAMBER,
December 9, 1862.

I am directed to inform the house that the council will be ready to meet the house in joint convention to-morrow, Dec. 10th, at two o'clock P. M., for the purpose of receiving any communication the Governor may have to make.

JAMES TUFTS,
*Secretary.*

On motion of Mr. Armstrong, the

House concurred in the message, and instructed the chief clerk to invite the council to seats in the house to-morrow at two o'clock P. M., on the right of the Speaker's chair.

The resolution offered by the gentleman from Bon Homme was then read.

Mr. Armstrong offered the following amendment:

Amend by striking out the name of Henry Hartsough, and insert in lieu thereof the name of Edward Gifford.

The ayes and noes being demanded on the adoption of the amendment by Messrs. Puett and Donaldson, resulted as follows:

Ayes, 0; noes, 11.

Noes—Messrs. Armstrong, Bothun, Buckman, Donaldson, Frisbie, Jacobson, Johnson, Larson, Litchfield, Puett, and Wallace.

So the amendment was not adopted.

Mr. Puett was called to the chair.

The question being on the adoption of the resolution,

The speaker resumed the chair.

Mr. Donaldson offered the following amendment:

Amend by inserting after the name of R. M. Johnson the names of Mr. Litchfield and William Frisbie.

The previous question was demanded by Messrs. Donaldson and Puett.

The chair instructed the clerk not to call the names of Messrs Johnson, Litchfield, and Frisbie.

Mr. Puett asked to be excused from participating further in the proceedings of the house, and withdrew, followed by Messrs. Bothun, Jacobson, Larson, Litchfield, and Frisbie.

The vote being on seconding the previous question resulted:

Ayes, 5; noes, 0, as follows:

Ayes—Messrs. Armstrong, Backman, Donaldson, Johnson, and Wallace.

The chair declared the house without a quorum.

On motion of Mr. Donaldson, the

House adjourned at half past eleven o'clock A. M., to meet to-morrow at ten o'clock A. M.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## TENTH DAY.

Wednesday, December 10, 1862.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

George P. Waldron, from the second representative district, appeared with a certificate of election, as representative from said district, and the oath of office was duly administered to him by Attorney General Gleeson.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Johnson, Wallace, Waldron, Kennerly, and the Speaker.

Absent—Messrs. Bothun, Frisbie, Litchfield, Jacobson, Larson and Puett.

The journal of yesterday was read and approved.

On motion of Mr. Waldron,

Rule 16 of the rules of the house (relative to the order of business of the day) was suspended.

Mr. Armstrong, chairman of the committee on elections, presented the following report, to wit:

MR. SPEAKER:

The majority of the committee on elections, to whom was referred the certificates, petitions, and papers of M. H. Somers, of Cole county, and of Edward Gifford, of Bon Homme county, claiming the seats in this house now occupied by William Frisbie and Laben H. Litchfield, of said respective districts, would beg leave to report that they have had the matter under a careful consideration, and from the evidence and facts laid before your committee, by the contestants in the cases, have arrived at the following conclusions, to wit: That M. H. Somers received in said 1st representative district 48 votes, and William Frisbie 70 votes; that, at the precinct of Brule Creek, where Mr. Frisbie received 61 votes and Mr. Somers 1 vote, the polls were opened by candle light about 1 o'clock on Sunday night, before the day of election; that 29 votes were polled at said midnight election by non-residents and boys, for William Frisbie; that on the following day the polls were regularly opened at 9 o'clock, at the proper place, and 32 addi-

tional votes cast for Mr. Frisbie; that the judges and clerks of election were not sworn at either opening of the polls; and that admitting said 32 votes cast to be legal ones, together with the nine which Mr. Frisbie received at Big Sioux and Elk Point, he has but 41 legal votes in the county and M. H. Somers 48 votes. Therefore, your committee are forced to the conviction that M. H. Somers is duly and legally elected by a majority of the legal votes of his district, and is therefore justly entitled to the seat now occupied in this house by said William Frisbie.

In the contested case coming from Bon Homme county, comprising the 7th representative district, wherein Edward Gifford claims a right to the seat in this body now occupied by L. H. Litchfield, your committee would state that from all the evidence and affidavits furnished by the contestants, it is proven that only 39 votes were polled in said district on the 1st day of September, as is established by the affidavits of the judges and clerks of election; that out of said 39 votes, your petitioner, Mr. Gifford, received 25 votes, as is proven by affidavits coming direct from the individual electors who voted for said Gifford; that Mr. Gifford holds a certificate of election from the acting register of said district; that, although a disturbance was created at the closing of the polls on the ground of a presumed fraud on the delegate candidates, thereby preventing the canvass of the votes, yet it is proven that 22 of said 39 voters voted open tickets for said Gifford at a second election, and that 26 of said 39, voted for Mr. Gifford at the first election. Therefore, your committee can arrive at no other conclusion than that your petitioner, Mr. Gifford, is endorsed by a large majority of the legal electors of his district, and is therefore justly entitled to the seat now occupied in this house by Laben H. Litchfield, as representative from the 7th representative district.

M. K. ARMSTRONG,
H. S. DONALDSON.

On motion of Mr. Donaldson, the Report was adopted.

Mr. Wallace offered the following resolution:

*Resolved*, That William Frisbie is not, and that M. H. Somers is entitled to a seat in this house, as a representative from the first representative district.

The consideration of the resolution was postponed at the request of Mr. Waldron until he could examine the papers relating to the case.

The house now proceeded with the regular order of business.

On motion of Mr. Donaldson, the
House took a recess of fifteen minutes.

The time of recess having expired, the
House was called to order by the speaker.

The chair, at the suggestion of Mr. Waldron, directed the fireman to go for the sergeant-at-arms and messenger of the house, they being absent.

The resolution introduced by Mr. Wallace was then taken under consideration.

At the request of Mr. Wallace, the said resolution was withdrawn.

Mr. Armstrong introduced the following resolution:

*Resolved*, That Laben Litchfield, the present sitting member in this house from the 7th representative district, is not legally entitled to the seat now occupied by him, and that Edward Gifford, the legally elected representative from the said district, is hereby admitted to the seat now occupied by said representative from said district in place of said Litchfield.

On motion of Mr. Waldron, the
Resolution was adopted.

Mr. Gifford then presented himself and was duly sworn in by Attorney General Gleeson.

On motion of Mr. Johnson,
Mr. Daniel Gifford was nominated temporary sergeant-at-arms of the house.

The vote being taken, *viva voce*, resulted as follows:
Yeas 9, noes 0.

Those voting in the affirmative were
Messrs. Armstrong, Buckman, Donaldson, Johnson, Gifford, Wallace, Waldron, Kennerly, and Somers.

Necessary to a choice 5.

Mr. Gifford having received a majority of the votes cast, was declared elected.

Mr. Gifford then presented himself and was duly qualified by Attorney General Gleeson.

On motion of Mr. Waldron, the
House proceeded to the election of a temporary messenger.

Mr. Waldron nominated William Stevens.

Mr. Armstrong nominated Samuel Gerou.

The vote being taken, *viva voce*, resulted as follows:

Mr. Stevens received 6 votes.

Mr. Gerou received 3 votes.

Those voting for Mr. Stevens were
Messrs. Buckman, Donaldson, Waldron, Somers, Gifford, and Johnson.

Those voting for Mr. Gerou were
Messrs. Armstrong, Kennerly, and Wallace.

Necessary to a choice 5.

Mr. Stevens having received a majority of the votes cast, was declared duly elected.

On motion of Mr. Waldron, the
House took a recess until half-past one o'clock.

The time of recess having expired, the
House was called to order by the speaker.

Mr. Donaldson moved that a committee of two be appointed to notify the council that the house was in readiness to go into joint convention, which

Motion prevailed.

The chair appointed as such committee, Messrs. Donaldson and Waldron.

The speaker assigned to the members of the council, seats on the right of the speaker's stand.

The committee appointed to wait upon the council, returned and reported by their chairman that the members of the council would repair immediately to the hall of the house of representatives.

The house then adjourned to meet the council in joint convention.

---

IN JOINT CONVENTION.

The two houses met in joint convention at 2 o'clock, and were called to order by the president of the council.

On motion of Mr. Shober, a

Committee of two, consisting of Messrs. Shober and Armstrong, were appointed to wait upon his Excellency, the Governor, and inform him that both houses are now in joint convention, and are prepared to receive any communication he may have to make.

The roll being called,

Present—A majority of the members of both houses.

Mr. Bramble moved that the chief clerk of the house, and the assistant clerk of the council act as the clerks of the joint convention, which

Motion prevailed.

The committee appointed to wait upon the Governor returned and reported as follows:

MR. PRESIDENT:

Your committee have waited upon his Excellency the Governor, and informed him that the two houses are in joint convention and ready to receive any communication he may have

to make, and were informed by him that he had no communication to make at present, and that he does not recognize the branch of the legislature to which M. K. Armstrong belongs.

J. H. SHOBER,
M. K. ARMSTRONG.
Committee.

The report was adopted, and committee discharged.

Mr. Shober, from the committee on joint rules, reported rules for the government of the two houses in joint convention, which report was afterwards, at the request of Mr. Shober, withdrawn.

On motion of Mr. Bramble, the
Joint convention dissolved.

---

After the council had retired, the speaker called the house to order.

Mr. Donaldson moved that the House proceed to the election of an assistant clerk, pro tem.

Mr. Waldron moved to amend by electing a permanent assistant clerk, which
Amendment did not prevail.

The question recurring on the orginal motion, the
Motion prevailed.

Mr. Donaldson nominated James M. Allen as temporary assistant clerk.

The vote being taken, *viva voce*, resulted as follows:
Yeas 10, noes 0.

Those who voted in the affirmative were
Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and Mr. Speaker.

Mr. Allen having received a majority of the votes cast, was declared elected assistant clerk, pro tem.

Mr. Allen then appeared, and the oath of office was duly administered to him by Attorney General Gleeson.

On motion of Mr. Donaldson, the

House adjourned at half-past 2 o'clock to meet at 11 o'clock to-morrow morning.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## ELEVENTH DAY.

Thursday, December 11, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and Mr. Speaker.

Those absent were

Messrs. Bothun, Larson, Jacobson, and Puett.

The Journal of yesterday was read and approved.

Mr. Donaldson gave notice of his intention on to-morrow, or some future day, to introduce a memorial to Congress relative to the building of a fort on the Red River of the North.

Mr. Armstrong, of the select committee on the part of the house on Joint Rules, presented a report, which on his motion was laid on the table.

Mr. Somers moved that the temporary officers of the house, be elected the permanent officers of the same.

At the request of Mr. Armstrong, that the matter be postponed one day, Mr. Somers withdrew his motion.

Mr. Buckman moved to adjourn until two o'clock, P. M., which

Motion prevailed, and the

House adjourned at fifteen minutes of twelve o'clock, M.

---

AFTERNOON SESSION.

House met pursuant to adjournment, and was

Called to order by the speaker.

On motion of Mr. Donaldson, the

House adjourned at ten minutes past two o'clock, until to-morrow morning at eleven o'clock.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## TWELFTH DAY.

Friday, December 12, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and Mr. Speaker.

Absent—Messrs. Bothun, Jacobson, Larson, and Puett.

The following communication was received from the council:

COUNCIL CHAMBER,
December 12, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 1,

An act to amend section six of chapter twenty-three (23) of the code; also,

C. B. No. 4,

An act to establish a seal for the Territory of Dakota.

The concurrence of the house is respectfully solicited.

JAMES TUFTS,
*Secretary.*

The journal of yesterday was read and approved.

On motion of Mr. Donaldson,

Leave of absence was granted the chaplain until Tuesday morning next.

Mr. Armstrong gave notice of his intention to introduce, on to-morrow or some subsequent day of the session, a bill to provide for the registration of the legal voters of the Territory.

Mr. Wallace gave notice that on to-morrow, or some future day, he would introduce a bill for an act to amend chapter thirty-two of the code.

Also, a bill for an act to change the boundaries of Cole county.

Mr. Somers gave notice that he would on to-morrow, or some future day, introduce a bill for an act to locate the county seat of Cole county.

Mr. Johnson gave notice that he would on to-morrow, or some future day, introduce a bill for an act to regulate the putting out of strychnine and other poison.

The following report was submitted:

MR. SPEAKER:

Your committee, appointed to draft rules for the gov-

ernment of this house, beg leave to submit the attached report.

H. S. DONALDSON.
M. K. ARMSTRONG,
*Committee.*

On motion of Mr. Armstrong, the
Report was laid on the table until to-morrow morning, and, also,

On motion of the same gentleman, thirty (30) copies of the report were ordered to be printed.

C. B. No. 1,
An act to amend section six of chapter twenty-three of the code, was
Read a first time, and

On motion of Mr. Donaldson, the
Rules were suspended, and the
Bill read a second time, and

On motion of Mr. Armstrong,
Referred to the committee on Elections.

C. B. No. 4,
An act to establish a seal for the Territory of Dakota, was
Read a first time, and the
Rules being suspended, it was
Read a second time, and
Referred to the committee on Ways and Means.

Leave being granted,
Mr. Waldron gave notice that he would on to-morrow, or some future day, introduce an amendment to chapter thirty-two of the general laws of the territory, being the election law.

Mr. Armstrong moved to take from the table the report of the committee on Joint Rules, which

Motion prevailed.

Mr. Armstrong offered the following amendment as a substitute for section 8 of Joint Rules:

Sec. 8. All orders, joint resolutions, and memorials to Con-

gress, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and president of the council and forthwith transmitted by the chief clerks of the respective houses in which they originated, to the president of the senate and speaker of the house of representatives, and also a copy to our delegate in Congress.

The amendment was adopted.

On motion of Mr. Donaldson, the

Report as amended was adopted, as follows:

## JOINT RULES—COUNCIL AND HOUSE.

1. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement.—They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective house the result of their conference.

2. When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent, by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

3. All messages between the two houses shall be communicated by the secretary or chief clerk, or their respective assistants.

4. When a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the secretary or clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of two from the council and two from the house of representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the speaker of the house of representatives, and then by the president of the council, in the presence of their respective houses.

7. After the bill shall have been thus signed in each house, it shall be presented by said committee to the Governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the house in which it originated.

8. All orders, joint resolutions, and memorials to Congress, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and president of the council, and forthwith transmitted by the chief clerk of the respective house in which they originated, to the president of the senate and speaker of the house of representatives, and also a copy to our delegate in Congress.

9. When any bill, joint resolution, or memorial, which shall have been passed in one house, is rejected in the other, notice of said rejection shall be given to the house which passed the same.

10. When a bill, resolution, or memorial, which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days notice, and leave of two-thirds of the members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the chief clerk of the house of representatives, and the secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. In all elections in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

Mr. Johnson moved that the house adjourn until eleven o'clock to-morrow morning, which

Motion prevailed, and the

House adjourned at twelve o'clock, M.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk*

---

## THIRTEENTH DAY.

Saturday, Dec. 13, 1862.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and Mr. Speaker.

Absent—Messrs. Bothun, Jacobson, Larson, and Puett.

The following communication was received from the council:

COUNCIL CHAMBER,
December 13, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 6,

A bill for an act to encourage the erection of mill dams and mills; also,

C. B. No. 9,

A bill for an act prescribing the general duties of the territorial treasurer.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

The journal of yesterday was read and approved.

Mr. Donaldson gave notice that he would, on to-morrow, or some future day, introduce a bill prohibiting the sale of ammunition to the Sioux Indians.

And, also, gave notice that he would, on to-morrow, or some future day, introduce a memorial to congress for an appropriation to pay for the goods stolen by the Chippewa Indians on the Red River of the North.

Mr. Wallace gave notice that he would, on to-morrow, or some future day of the session, introduce a bill for an act to remove the Territorial University from Vermilion to Elk Point.

Mr. Armstrong gave notice that on Monday next he would introduce a bill defining certain council and representative districts of Dakota Territory, and apportioning the representation thereof.

Also, a bill to provide for the release of sureties on official bonds.

C. B. No. 6,

An act to encourage the erection of mill dams and mills, and

C. B. No. 9,

An act prescribing the general duties of the territorial treasurer, were

Read a first time.

Leave was granted Mr. Waldron to introduce the following resolution:

*Resolved*, That whereas, Gustave Jacobson, who was, at the beginning of this session, elected to the office of sergeant-at-arms, and Thomas Halverson, who was, on the same day, elected to the office of messenger, and Robert M. Hagaman, who was elected to the office of assistant clerk, have absented themselves from this house during its session, and have refused to perform the duties of their several offices; therefore—

*Resolved*, That the house do now proceed to elect permanent officers to fill the vacancies occasioned by the refusal of the above named persons to perform the duties of their respective offices.

Mr. Donaldson moved that the resolution be laid on the table, which

Motion prevailed.

On motion of Mr. Donaldson, the

House adjourned at 12 o'clock M. until Monday morning next, at 10 o'clock.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## FIFTEENTH DAY.

Monday, December 15, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and the Speaker.

Absent—Messrs. Bothun, Jacobson, Larson, and Puett.

The journal of Saturday was read and approved.

Mr. Kennerly offered the following resolution:

*Resolved*, That the honorable William E. Gleeson, Attorney General of the Territory, be respectfully requested to furnish to this house his opinion, in writing, as to whether the recognition of the Governor is essential to the competency of this house to proceed with the business of legislation.

The resolution was adopted, and the chief clerk directed to notify Mr. Gleeson of the fact, and also deliver to him a copy of said resolution.

In accordance with the above, the chief clerk made the following communication:

HOUSE OF REPRESENTATIVES,
December 15th, 1862.

*Hon. Wm. E. Gleeson, Attorney General of Dakota:*

DEAR SIR:—Enclosed please find house resolution adopted this date. An early consideration is requested.

Yours, very respectfully,

B. M. SMITH,
*Chief Clerk.*

Mr. Kennerly gave notice that on to-morrow, or some future day of the session, he would introduce a bill to amend section one (1), of chapter eighteen (18), of the Dakota code, so as to change the boundaries of Todd county.

Mr. Wallace gave notice that on to-morrow he would introduce a memorial and joint resolution relative to making Fort Randall a distributing post.

Mr. Somers introduced
H. F. No. 1,
An act to locate the county seat of Cole county, which was
Read a first and second time, and
Referred to a select committee of three, consisting of
Messrs. Wallace, Somers, and Buckman.

C. B. No. 6,
An act to encourage the erection of mill dams and mills, was
Read a second time, and
Referred to the committee on Internal Improvements.

C. B. No. 9,
An act prescribing the general duties of the territorial treasurer, was
Read a second time, and
Referred to the committee on Ways and Means.

On motion of Mr. Wallace, the
Resolution of Mr. Waldron relative to the vacancies occasioned by the refusal of certain officers of the house to perform

the duties of their respective offices, and which was laid on the table on Saturday last, was taken up, and

Adopted.

Mr. Wallace moved that the house now proceed to the election of permanent officers to fill the vacancies as set forth in said resolution, which

Motion prevailed.

Mr. Wallace nominated James M. Allen for assistant clerk of the house.

Mr. Armstrong begged to be excused from voting for permanent officers.

Pending which,

On motion of Mr. Donaldson, the

House adjourned at 11 o'clock and 15 minutes until to-morrow morning, at 10 o'clock.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## SIXTEENTH DAY.

Tuesday, December 16, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Armstrong, Buckman, Donaldson, Gifford, Johnson, Kennerly, Somers, Wallace, Waldron, and the Speaker.

Absent—Messrs. Bothun, Jacobson, Larson, and Puett.

Journal of yesterday was read and approved.

The following communication was received from the Attorney General of the Territory, Hon. W. E. Gleeson:

ATTORNEY GENERAL'S OFFICE,
YANKTON, D. T., DEC. 10, 1862.

*To the Honorable House of Representatives of the Territory of Dakota:*

GENTLEMEN:

Your communication inclosing copy of resolution adopted by the house, asking to be advised as to whether the recognition of the Governor is essential to the competency of the house, as a branch of the Legislative Assembly of Dakota, to proceed with the business of legislation, is received through your chief clerk, Byron M. Smith, Esq.

I make you the earliest reply practicable. The act of Congress organizing the Territory furnishes the solution to your question. By its provisions, the power of the executive, its nature and extent is defined. It contains no clause that even constructively supports such a claim; and I may be permitted here to suggest that it is most fortunate for the general welfare, under present auspices, that there is no authority for arrogance so strange and monstrous as your inquiry would imply, to have been attempted on the part of the Governor.

There is not in the whole range of territorial history such an example of official presumption. Congress has made your office elective; has authorized the apportionment of the Territory into representative districts; has prescribed the number and limits of representation; has enabled the first Legislative Assembly to establish the qualifications of voters and representatives, with certain expressed limitations; in a word, has deferred to the wisdom of the first Legislature all requisite powers to give the people of the Territory the largest control over their domestic interest compatible with a provisional and dependant state of government.

In pursuance of the authority thus conferred, the first Legislative Assembly of the Territory enacted, with the approval of the Governor, chapter thirty-two of your Territorial Statutes, leaving the representative districts with a single exception as first described and promulgated by the Governor, in the absence of a Legislature, to apply these several powers conferred by the

organic act. This statute here referred to, provides the qualification of voters, as also of representatives; the time, place, and manner of their election; the mode of conducting the canvass, and by whom the result shall be certified as well as the time of the annual meeting of the Legislature. Under the statute, the clerk of the board of county commissioners of the different counties is solely authorized to issue the certificate of election to the person elect. The single inquiry then arises from the premises: are you in fact the representative duly chosen and accredited as the law prescribes? If so, then you have and may exercise all the functions of a Legislative body, subject to but one limitation, the executive veto upon your enactments.

You may adopt rules for your government, and for the facilitation of business.

You may memorialize and resolve without executive sanction, and insert all other and necessary incidental powers.

The certificates on file with your chief clerk afford *prima facia* evidence of your authority in the premises, and not either the notional or arbitrary judgment of any one, whether he holds an official or private relation; such certificates furnishing the decision of the popular choice, from whom alone, under the act of Congress, you derive your representative *status*.

The effect of a concession, that the recognition of a Governor forms a condition precedent and necessary to the performance of your duties, would be to withdraw from the people, where Congress vests it, all power in your selection, and render elections, so far at least as representative is concerned, a barren and farcical ceremony, making the Governor at once the artificer and sovereign arbiter of the Legislature and its laws, a conclusion that is in so marked variance with the specific language of the organic act, so repugnant to its entire spirit and design, as to carry with it its own confutation.

The power, therefore, gentlemen, of the Governor over the Legislative Assembly—as well over one branch as the other—is restricted to the simple and unqualified dissent to or approval of such laws as you may enact. This is at once the measure and limit of his control over you.

You are as independent in your sphere of duties, as the

Governor is of your body in the administration of his official duty, and he rests under no less obligation to obey and execute each and every particular territorial statute in force, and every provision of the organic act as faithfully as you are to subserve their requirements.

It may be perhaps not impertinent to the inquiry raised by your resolution, to add in this connection, that by virtue of chapter 56, section 7, Dakota laws, approved May 7th, 1862, the respective houses of the Legislative Assembly are made the sole judges of the competency of the members in the event of a contested claim to a seat. This also is a power which you possess subject to no dictation, other than that of your own enlightened conciousness and judgment; the wise theory of the law being that you have both the integrity and qualifications to determine such controversies, and that your interest, moral and material, in the society for which you are called to legislate, will urge and lead you to fair conclusions. The confidence reposed by your respective constituencies adds no inferior incentive to the impartial discharge of this duty.

While the recognition of the executive is not essential, he cannot capriciously withdraw it when made. Nor may it be even irrelevant to further add, in conclusion, that the Governor is bound by his relation and his oath to co-operate with and aid you in the discharge of your public offices. As a practical question, I trust these views will have no application.

The Governor will not, I am persuaded, assume to impede and prevent all legislation, in which the Territory has so deep an interest, nor permit the benificent appropriation of the general Government, for legislative purposes, to be exhausted without benefits to the people. I am sure he will not take the responsibility of initiating an action so unwarranted and unexampled.

I have the honor to be,
Most respectfully,
Your obedient servant,
W. E. GLEESON.

On motion of Mr Waldron,

Three hundred copies of the Attorney General's communi-

cation were ordered to be printed for the use of the members of the house.

Mr. Somers gave notice that on to-morrow, or some future day of the session, he would introduce a bill for an act legalizing the official acts of N. J. Wallace, as register of deeds for Cole county.

Also, a bill for an act conferring the rights of citizenship upon Walter Arcon.

On motion of Mr. Donaldson, the

Report of the select committee on standing rules was taken up.

On motion of Mr. Armstrong, the

House resolved itself into a committee of the whole, to consider the report of the select committee on Standing rules.

Mr. Waldron in the chair.

After some time spent therein, the

Committee arose, and through their chairman made the following report:

MR. SPEAKER:

The Committee of the Whole to whom was referred the report of the committee on Rules, have had the subject under consideration, and have made sundry amendments thereto, which they have directed me to report to the house, and ask its concurrence therein.

GEO. P. WALDRON.
*Chairman.*

The report was accepted, and

On motion of Mr. Donaldson, the

House took up and acted separately on each amendment and section.

On motion of Mr. Wallace,

Rule 21 was amended by striking out in section 21, sixth line, after the word "bill," the word "for," and insert before the word "leave," on same line, the word "for."

Section 23, in line 4, was amended by striking out the words "they shall be printed."

Section 34 was amended by striking out after the word "prevailed," in second line, the words, "or which required two-thirds of the members present to carry the affirmative."

On motion of Mr. Wallace,

No. 10 of standing committees was stricken out.

On motion of Mr. Armstrong,

Rule 37 was amended by striking out in 15th order of standing committees the words, "and enrollment," and add as 16th order of standing committees, "enrollment."

Mr. Harlan moved to amend section 37 of Rules, by changing the numbers of standing committees, so that the committee on Agriculture and Manufactures shall be the tenth, and committee on Elections shall be the eleventh; Indian Affairs the twelfth; Mines and Minerals the thirteenth; Engrossment the fourteenth; and Enrollment the fifteenth, which

Motion prevailed.

Mr. Wallace moved to amend Rule No. 42, by striking out the words, "the head of departments of the Territorial Government," and inserting the words, "the Secretary of the Territory, Attorney General, and Territorial Treasurer and Auditor," which

Motion prevailed.

Mr. Armstrong moved to amend Rule 42, by striking out all after the words, "other persons as the," and insert, "house shall deem proper to admit," which amendment was

Adopted.

Mr. Donaldson moved to amend section 43, in line two, by striking out the words, "reports of committees," and inserting in lieu thereof the words, "and joint resolutions." which amendment was

Adopted.

Mr. Harlan moved to amend section 32 of Rules, by striking

out the word "or," in the third line, and inserting the word "nor," which amendment was

Adopted.

Mr. Donaldson moved to add the following Rule as Rule 53:

All orders, joint resolutions, and memorials to Congress, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and president of the council, and forthwith transmitted by the chief clerk of the respective houses in which they originated, to the president of the senate, and speaker of the house of representatives, in Congress, and also a copy to our delegate in Congress, which Rule was

Adopted.

On motion of Mr. Donaldson, the

Rules as amended were adopted, as follows:

## RULES OF THE HOUSE OF REPRESENTATIVES

1. The Speaker shall take the chair at the time to which the house stands adjourned, and the house shall then be called to order, and the roll of members called, and the names of the absentees shall be entered upon the journal of the house.

2. Upon the appearance of a quorum, the journal of the preceding day shall be read by the clerk, and any mistake therein may be corrected by the house.

3. The speaker shall preserve order and decorum and shall decide questions of order subject to an appeal to the house.

4. The speaker shall vote on all questions taken by yeas and nays, (except on appeals from his own decisions) and in all elections or divisions called for by any member.

5. When the house adjourns, the members shall keep their seats until the speaker announces the adjournment.

6. Every member, previous to his speaking, shall rise from his seat and respectfully address himself to the speaker.

7. When two or more members rise at once, the speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the chair shall speak first.

8. No member shall speak more than twice on the same sub-

ject without leave of the house, nor more than once until every member choosing to speak on the question pending shall have spoken.

9. No motion shall be debated or put, unless the same be seconded; it shall be stated by the speaker before debate, and any such motion shall be reduced to writing, if the speaker or any member desire it.

10 After a motion shall be stated by the speaker, it shall be deemed to be in possession of the house, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments, shall be entered on the journal, whether they are rejected or adopted.

11. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain day, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and a call of the house may be had upon the demand of two members.

12. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay upon the table, shall be decided without debate.

13. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the house to a direct vote upon the amendments reported by a committee, if any; upon pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

14. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

15. All incidental questions of order arising after a motion is made for the previous question during the pending of such motion, or after the house shall have determined that the main

question shall be now put, shall be decided, whether on appeal or otherwise, without debate.

16. Petitions, memorials, and other papers addressed to the house, shall be presented by the speaker, or by a member in his place.

17. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the house shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote.

18. When the speaker is putting the question, no member shall walk out or across the house; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

19. If the question in debate contains several points, any member may have the same divided.

20. A member called to order shall immediately sit down, unless permitted to explain, and the house, if appealed to, shall decide the case. If there be no appeal, the decision of the chair shall be submitted to. On an appeal, no member shall speak more than once without leave of the house, except when a member is called to order for offensive language, in which case there shall be no debate.

21. Every bill shall be introduced by a motion for leave, or by an order of the house on a report of the committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice of a motion for leave to bring in a bill, (and every motion for leave to bring in a bill,) shall be in writing, and shall contain the title of the bill.

22. Every bill, before being introduced, shall have endorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

23. All bills, memorials, or joint resolutions, shall be read the first time for information, and if opposition be made to it, the question shall be: "Shall the bill be rejected?" If

no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

24. All bills, memorials, or joint resolutions, on their second reading shall be read by their title, and the question taken upon their commitment, amendment or engrossment for a third reading.

25. All bills, memorials, or joint resolutions on their third reading shall be read at length, and no amendment shall be in order except by unanimous consent of the house.

26. Every bill shall be read on three different days, unless in case of urgency two-thirds of the house shall deem it expedient to dispense with this rule; and no bill shall be passed unless it shall have been read once at length.

27. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the house.

28. In forming a committee of the whole house, the speaker shall appoint a chairman to preside.

29. Bills committed to the committee of the whole house, shall, in committee of the whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing, and reported to the house by the chairman.

30. All questions, whether in committee or in the house, shall be put in the order they are moved, except in cases of privileged questions, and in filling up blanks the largest sum and the longest time shall be first put.

31. A similar mode of proceeding shall be observed with bills which have originated in and passed the council, as with bills originating in the house, except that they shall not be printed.

32. No motion for reconsideration shall be in order unless on the same day, or on the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

[illegible] notice of the intention to move the reconsidera-

tion of any bill or joint resolution shall be given by a member, the clerk of the house shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

34. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration; and a motion for a reconsideration shall be decided by a majority of votes.

35. The rules of the house shall be observed in committee of the whole house, so far as may be applicable, except that the yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

36. A motion that the committee rise, shall always be in order, and shall be decided without debate.

37. Standing committees, consisting of three members each, shall be appointed on the following subjects:

1. Ways and Means.
2. Judiciary.
3. Internal Improvements.
4. Public Lands.
5. Federal Relations.
6. Education.
7. Towns and Counties.
8. Military Affairs.
9. Incorporations.
10. Agriculture and Manufactures.
11. Elections.
12. Indian Affairs.
13. Mines and Minerals.
14. Engrossment and Enrollment.
15. Enrollment.

38. The committee on Engrossment shall examine all bills after they are engrossed, and report the same to the house, correctly engrossed, before their third reading; said committee may report at any time.

39. The committee on Enrollment shall examine all house bills and joint resolutions, which have passed the two houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the house and council for their sig-

natures, and when so signed, to the governor for his approval; said committee may report at any time.

40. Select committees to whom references shall be made, shall in all cases report a state of facts, and their opinion thereon to the house.

41. In all cases where a bill, order, resolution or motion shall be entered upon the journals of the house, the name of the member moving the same shall be entered on the journals.

42. No person shall be admitted within the bar of the house but the executive, secretary of the territory, attorney general, members of the council, territorial treasurer, and auditor, judges of the supreme and district courts, members of Congress, those who have been members of Congress, of the legislative council, and such other persons as the house shall deem proper to admit.

43. The speaker shall cause the clerk of the house to make a list of all bills, resolutions, joint resolutions, and other proceedings of the house, which are committed to a committee of the whole house, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general orders of the day;" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the house; and the clerk shall also keep a book showing the situation and progress of bills.

44. On the meeting of the house, after reading of the journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Notices.
5. Introduction of bills.
6. Motions and resolutions.
7. Consideration of messages from the council.
8. First reading of council bills, resolutions and memorials.
9. Second reading of the same.
10. Third reading of the same.
11. Second reading of house bills.

12. Third reading of the same.

13. Consideration of the general orders.

14. Unfinished business.

45. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

46. When the house have arrived at the general orders of the day, they shall go into committee of the whole upon such orders or a particular order designated by a vote of the house, and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the committee of the whole shall consider, act upon, or pass the general orders, according to the order of their reference.

47. The speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the house.

48. The rules of parliamentary practice embraced in Cushing's Manual, shall govern the house in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the house, and the joint rules and orders of the council and house of representatives.

49. No rule of the house shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

50. The hour of the daily meeting of the house shall be ten o'clock in the morning, until the house direct otherwise.

51. The ayes and noes shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions, and resolutions making an appropriation of money, in which case the ayes and noes shall be had without any demand.

52. All house bills of a general nature shall, after their first reading, be printed without a special order from the house.

53. All orders, joint resolutions and memorials to Congress, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and president of the council and forthwith transmitted by the chief clerks of

the respective house in which they originated, to the president of the senate and speaker of the house of representatives, and also a copy to our delegate in Congress.

Mr. Waldron moved that two hundred copies of the Rules be printed for the use of the members of the house, and sixty copies of the 53d Rule additional, to be transmitted to Washington.

Mr. Armstrong moved to amend by having one hundred copies printed.

A division of the question being called for and demanded, the portion of Mr. Waldron's motion relative to the sixty copies additional, &c., was

Lost.

The question recurring on Mr. Armstrong's motion of one hundred copies of the rules to be printed for use of the members of the house, it

Prevailed.

On motion of Mr. Donaldson, the

House adjourned at twelve ½ o'clock until ten o'clock tomorrow morning.

A. J. HARLAN, *Speaker.*

B. M. SMITH, *Chief Clerk.*

---

## SEVENTEENTH DAY.

Wednesday, December 17, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Armstrong, Bothun, Buckman, Donaldson,

Gifford, Johnson, Jacobson, Kennerly, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

The journal of yesterday was read and approved.

Mr. Armstrong moved that the resolution as amended introduced by Mr. Litchfield, on the 8th inst., be withdrawn.

No action was taken on the motion.

Mr. Harlan, Speaker of the house, tendered his resignation, as follows:

*Gentlemen of the House of Representatives:*

I feel very grateful to you for the honor you did me, by electing me as your presiding officer at an early day of the session, but believing that I can better serve the interests of my immediate constituents, and, at the same time, advance the public good by occupying a place on the floor of the house, therefore, for the sake of having order, harmony, and law, I now, most respectfully, tender to you my resignation as Speaker of this house, to date from and after the present moment.

Respectfully, your obedient servant,

A. J. HARLAN.

Which resignation was accepted.

It being in order,

Mr. Bothun nominated Mr. Armstrong, for speaker.

Mr. Waldron nominated Mr. Harlan, who declined.

Mr. Donaldson nominated Mr. Waldron.

The vote being taken, resulted as follows:

For Mr. Armstrong, 11; for Mr. Waldron, 1 vote.

Mr. Armstrong and Mr. Donaldson were, at their personal request, excused from voting.

Those who voted for Mr. Armstrong were

Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Kennerly, Larson, Puett, Somers, Waldron, and Harlan.

Mr. Wallace cast his vote for Mr. Waldron.

Mr. Armstrong having received a majority of the votes, was declared elected speaker of the house.

On motion,

Messrs. Puett and Donaldson were appointed a committee to conduct Mr. Armstrong to the chair.

Mr. Armstrong, on taking the chair, made the following remarks:

*Gentlemen of the House of Representatives:*

While returning to you my heartfelt thanks for the honor you have conferred upon me, it is with reluctance and embarrassment that I assume the responsibilities of the position to which I have been assigned.

I accept it, gentlemen, at your hands, with the hope of aiding to heal the wounds of discord, to disperse the clouds of commotion, and bring the distracted bodies back to the folds of harmony and compromise.

In assuming the chair I shall yield no principle, and sacrifice no stand in behalf of my party and friends.

But, at present, the life of the Territory hangs upon the action of this body, and in such a crisis it is the duty of every representative of the people to discard all party ties and throw off all personal prejudices, and to act, not for himself, but for the people; not for the victory of his personal opinion, but for the general welfare of the common territory.

To this object, gentlemen, I shall endeavor to stand acquitted before God and my country, and shall attentively labor to subserve, not to divert, to facilitate and not to hinder the will of the assembly.

Mr. Wallace gave notice that on to-morrow, or some future day of the session, he would introduce a memorial and joint resolution relative to the public surveys in the territory of Dakota.

Also, a memorial and joint resolution praying Congress to amend section second of the act "providing a temporary government for the Territory of Dakota," approved March 2d, 1861.

Mr. Somers introduced
H. F. No. 2,

An act legalizing the official acts of N. J. Wallace as register of deeds of Cole county, and

H. F. No. 3,

An act conferring the rights of citizenship upon Walter Arcon, which were

Read a first time.

Mr. Wallace introduced

H. F. No. 4,

An act extending the boundaries of Cole county, which was

Read a first time, and,

On motion of Mr. Harlan, the

Rules were suspended, and the bill

Read a second time.

Mr. Waldron moved that the bill be referred to the committee on Counties, which

Motion did not prevail.

On motion of Mr. Harlan, the bill was

Referred to a select committee of three.

The chair appointed, as such committee,

Messrs. Harlan, Wallace and Waldron.

Mr. Bothun (signed Larson) introduced the following resolution:

*Resolved*, That the resolution introduced in this house, by Mr. Wallace, on the 10th day of the session, admitting M. H. Somers to the seat now occupied by Mr. Frisbie, be, and the same is hereby expunged from the journal, and is considered no part of the proceedings of this body.

Mr. Donaldson moved the indefinite postponement of the resolution.

Mr. Wallace called for the yeas and noes on the motion, which being ordered, resulted as follows:

Yeas 6, Noes 8.

Those voting in the affirmative were

Messrs. Donaldson, Harlan, Kennerly, Wallace, and Waldron.

Those voting in the negative were
Messrs. Armstrong, Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, and Puett.

So the motion did not prevail.

Mr. Harlan's request to be excused from voting on the resolution was not allowed.

Mr. Donaldson moved that the further consideration of the resolution be postponed until the 12th day of January next, and called for the yeas and noes on the motion, which being ordered, resulted as follows:
Yeas 3, noes 8.

Those who voted in the affirmative were
Messrs. Donaldson, Wallace, and Waldron.

Those who voted in the negative were
Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett, and the Speaker.

Mr. Harlan was excused from voting.

So the motion did not prevail.

Mr. Waldron called for the reading of the resolution, which was complied with.

Mr. Wallace moved to postpone further action on the resolution until Monday next.

Mr. Puett called for the yeas and noes on the motion, which being ordered, resulted as follows:
Yeas 4, noes 8.

Those who voted in the affirmative were
Messrs. Donaldson, Harlan, Wallace, and Waldron.

Those who voted in the negative were
Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett, and the Speaker.

So the motion did not prevail.

Mr. Puett called for the previous question, ("shall the main question be now put?")

Mr. Wallace moved to adjourn until to-morrow morning at 10 o'clock.

Mr. Donaldson called for the yeas and noes on the motion, which being ordered, resulted as follows:

Yeas 4, noes 8.

Those who voted in the affirmative were
Messrs. Donaldson, Kennerly, Wallace and Waldron.

Those who voted in the negative were
Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, and the Speaker.

So the motion did not prevail.

The question recurring on Mr. Puett's motion of previous question, ("shall the main question be now put?")

And the yeas and noes being demanded and ordered, resulted as follows:

Yeas 8, noes 6.

Those who voted in the affirmative were
Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett, and the Speaker.

Those who voted in the negative were
Messrs. Donaldson, Harlan, Kennerly, Wallace, and Waldron.

So the motion prevailed.

The question recurring on the adoption of the resolution, and the vote being taken, there were,

Yeas 8, noes 3.

Those who voted in the affirmative were
Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett and the Speaker.

Those who voted in the negative were
Messrs. Donaldson, Wallace, and Waldron.

Mr. Harlan begged to be excused from voting; but Mr. Donaldson insisted on his voting—he voted in the negative.

Mr. Kennerly withdrew his vote.

So the resolution was adopted.

Mr. Wallace moved to adjourn until 10 o'clock to-morrow morning.

And the yeas and noes being called for on the adoption of the motion, and ordered, resulted as follows:

Yeas 2, noes 10.

Those who voted in the affirmative were
Messrs. Donaldson and Wallace.

Those who voted in the negative were
Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Waldron, and the Speaker.

So the motion did not prevail.

Mr. Kennerly again presented his certificate as a member of the house from the 8th representative district, which was filed with the clerk.

Mr. Bothun (or Larson) introduced the following resolution:

*Resolved*, That that portion of the journal of the 10th day of the present session, referring to the admittance and swearing in of H. A. Kennerly as a member of this body, be, and the same is hereby expunged therefrom.

Mr. Puett moved the adoption of the resolution.

Mr. Wallace called for the yeas and noes on the adoption of the resolution, which being ordered, there were yeas 8, noes 4.

Those who voted in the affirmative were
Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett, and the Speaker.

Those who voted in the negative were
Messrs. Donaldson, Harlan, Wallace, and Waldron.

So the resolution was adopted.

Mr. Puett offered the following resolution:

*Resolved*, That the report submitted to this house, by M. K. Armstrong, as chairman of select committee on credentials,

(said report being made on or about the fourth day of the present session,) be, and the same is hereby expunged, and is considered to be no part of the proceedings of this body.

Mr. Wallace moved the indefinite postponement of the resolution.

The vote being demanded on Mr. Wallace's motion, and so ordered, there were yeas 3, noes 9.

Those who voted in the affirmative were
Messrs. Donaldson, Wallace, and Waldron.

Those who voted in the negative were
Messrs. Bothun, Buckman, Harlan, Johnson, Jacobson, Larson, Puett, and the Speaker.

So Mr. Wallace's motion was lost

Mr. Puett moved that the resolution be made the special order of the day to-morrow at 11 o'clock A. M., which
Motion prevailed.

Mr. Puett offered the following resolution:

*Resolved*, That the council be invited to meet the house in joint convention to day, at a quarter past two o'clock P. M., for the purpose of hearing any communication the governor may have to make, and that seats be provided for the use of the members of the council on the right of the Speaker's chair.

The resolution was adopted.

On motion of Mr. Puett, the
House took a recess until 2 o'clock P. M.

---

AFTERNOON SESSION.

2 O'CLOCK P. M.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Roll called.

All the members present.

The following communication was received from the council:

COUNCIL CHAMBER,
December 17, 1862.

MR. SPEAKER:

The council have adopted the following resolution:

*Resolved*, That the council will be ready to meet the house in joint convention in the representative hall to-morrow, at 2½ o'clock P. M., to hear any communication that his Excellency the Governor, may have to make, and that the house is respectfully requested to concur in the time herein fixed.

JAMES TUFTS,
*Secretary.*

On motion of Mr. Puett, the
House concurred in the council resolution.

Mr. Puett moved to adjourn until ten o'clock to-morrow morning.

Mr. Wallace moved to amend by substituting 2 o'clock P. M., instead of 10 o'clock A. M., which
Amendment was not adopted.

Mr. Puett's motion then prevailed, and the
House adjourned at 2½ o'clock until to-morrow morning at 10 o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

---

## EIGHTEENTH DAY.

Thursday, December 18, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron, and Mr. Speaker.

Mr. Smith presented the following resignation:

YANKTON, D. T., DEC. 18, 1862.

*Gentlemen of the House of Representatives:*

I take this opportunity of saying to the members of this body, that I decline to have any further communication with this house. My reasons are these:

1st. That I did not at the first feel that I have any right to a position which I at present occupy, having been elected to fill this place before six other members had taken their seats who had the same right to a voice in the selection of a chief clerk as those who did take part in that election.

2d. Because I am entirely unwilling to act in this capacity, after the recent developements and acts of your body, so repugnant to my feelings and sense of right and justice.

But before I take my leave, I have a word to say to a few of your members; and would to God they could know my feelings towards them. It is to those who have been true and immovable as the rocks—those men who would not, who could not, be turned to the right or the left, from their own consciousness of their duty. No pressure from outsiders, or the united efforts of the combined official forces, or any threats of "no pay" has been to any effect to those members. And to those only I have to extend my heartfelt thanks for their kindness and courtesy extended during this long struggle for the right, and I hope that their future record may be marked by the same manly course. To them, nothing too dear to my heart will be reserved in any time of want. Be true, then, my brave fellows. You have thus far shown yourselves manly, noble, and true; incapable of being corrupted by any temptation or inducements of the servile mercenaries who have encircled you and sought your ruin, and sought to influence you to violate principle more sacred than any and all things else. May God

save you and our once happy and peaceful land, in the event of the despotism which to all appearances we are about to be thrown into. Allow me to say to you further, I leave you, the faithful, with feelings I cannot describe.

B. M. SMITH.

The assistant clerk pro tem submitted the following:

MR. SPEAKER:

I respectfully decline acting further as assistant clerk of this house.

J. M. ALLEN.

The journal being read by the former assistant clerk, was corrected and approved.

On motion of Mr. Puett, the
House proceeded to the election of chief clerk.

Mr. Harlan nominated B. M. Smith.

Mr. Puett nominated R. M. Hagaman.

The vote being taken, resulted as follows:
B. M. Smith received 4, and
R. M. Hagaman received 9.

Those voting for Mr. Smith, were
Messrs. Donaldson, Harlan, Wallace, and Waldron.

Those voting for Mr. Hagaman were
Messrs. Bothun, Buckman, Frisbie, Gifford, Johnson, Jacobson, Larson, Puett, and Mr. Speaker.

Mr. Hagaman having received the number of votes necessary to a choice, was declared duly elected.

The oath of office was then administered by United States Attorney Gleeson.

The chair presented the following standing committees:

*Ways and Means*—Messrs. Donaldson, Wallace, and Jacobson.

*Judiciary*—Messrs. Puett, Harlan, and Waldron.

*Railroads*—Messrs. Harlan, Waldron, and Larson.

*Public Lands*—Messrs. Johnson, Frisbie, and ———

*Federal Relations*—Messrs. Wallace, Bothun, and Puett.
*Education*—Messrs. Gifford, ——— and Buckman.
*Towns and Counties*—Messrs. Jacobson, Wallace, and Johnson.
*Military Affairs*—Messrs. Puett, Jacobson, and Donaldson.
*Incorporations*—Messrs Donaldson, Larson, and ———.
*Agriculture*—Messrs. Frisbie, Gifford, and Harlan.
*Elections*—Messrs. Buckman, Puett, and Donaldson.
*Indian Affairs*—Messrs. Wallace, Waldron, and Buckman.
*Mines and Minerals*—Messrs. Bothun, Larson, and ———.
*Engrossment*—Messrs. Wallace, Buckman, and Jacobson.
*Enrollment*—Messrs. Puett, Gifford, and ———.

Mr. Donaldson asked to be excused from serving on the committee on Elections.

The chair appointed Mr. Harlan to fill the vacancy.

On motion of Mr. Bothun, the
House proceeded to the election of assistant clerk.

Mr. Larson nominated J. M. Stone.

Mr. Johnson nominated J. M. Allen.

The vote being taken resulted as follows:
Mr. Allen received 6 votes, and
Mr. Stone received 7 votes.

Those voting for Mr. Allen were
Messrs. Donaldson, Gifford, Harlan, Johnson, Wallace, and Waldron.

Those voting for Mr. Stone were
Messrs. Bothun, Buckman, Frisbie, Jacobson, Larson, Puett, and Mr. Speaker.

Mr. Stone having received the number of votes necessary to a choice, was declared duly elected.

The oath of office was then administered to Mr. Stone by United States Attorney Gleeson.

Mr. Donaldson introduced the following report:

MR. SPEAKER:

Your committee, to whom was referred
C. B. No. 4, entitled,
An act to establish a seal for the The Territory of Dakota.
Report the same back without amendment, and recommend its passage.

H. S. DONALDSON, Ch'n.
N. J. WALLACE.

Mr. Donaldson moved to adjourn till two o'clock P. M., which Motion did not prevail.

On motion of Mr. Puett, the
House took a recess of half an hour.

The half hour having expired, the

Speaker resumed the chair.

Roll called.

Present.—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron and Mr. Speaker.

Mr. Buckman, from standing committee on Elections, submitted the following report:

MR. SPEAKER:

A majority of your committee on Elections have had under consideration the contested case of Messrs. Kennerly and Pease, and a majority of your committee have arrived at the conclusion, after examining the affidavits and other papers before them, that there were one hundred and thirty-eight votes polled in Charles Mix county, at the last general election held in said county on the first of December, 1862. Subtracting eighty soldier votes; leaves fifty-eight as the legal vote in said county, eight of which were polled for H. A. Kennerly, the remaining fifty for F. D. Pease. In Todd county there were thirty-two votes polled, twenty-six of which were polled for H. A. Kennerly, and six for F. D. Pease, making the entire legal vote in the district, ninety; fifty-six of which F. D. Pease received for representative, and thirty-four were cast for H. A. Kennerly for the same office; therefore, a majority of your committee

respectfully recommend that said Pease be admitted to a seat in this house, as the representative from the eighth representative district of Dakota Territory.

JOS. Y. BUCKMAN,
A. W. PUETT.

Mr. Jacobson moved that the report be received.

Mr. Puett was called to the chair.

Ayes and noes ordered by Messrs. Donaldson and Waldron, which resulted

Ayes 9 and noes 4, as follows:

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Frisbie, Gifford, Johnson, Jacobson, Larson, Puett and the Speaker.

Those who voted in the negative, were
Messrs. Donaldson, Harlan, Wallace and Waldron.

So the motion prevailed.

Mr. Harlan asked until Monday to make a minority report, which was granted.

The question then being on the adoption of the majority report,

The ayes and noes were ordered.

Mr. Waldron moved that the report be laid on the table till to-morrow at half past ten o'clock.

Ayes and noes ordered, resulted,
Ayes 6, and noes 6, as follows:

Those who voted in the affirmative, were
Messrs. Donaldson, Gifford, Harlan, Johnson, Wallace and Waldron.

Those who voted in the negative, were
Messrs. Bothun, Frisbie, Jacobson, Larson, Puett and Mr. Speaker.

The motion did not prevail.

Mr. Harlan moved to adjourn until two o'clock.

Ayes and noes ordered, resulted,
Ayes 4, noes 8, as follows:

Those who voted in the affirmative, were
Messrs. Donaldson, Harlan, Wallace and Waldron.

Those who voted in the negative, were
Messrs. Bothun, Frisbie, Gifford, Johnson, Larson, Puett and Mr. Speaker.

The motion did not prevail.

On motion of Mr. Armstrong the
House roll was called.

Absent—Mr. Buckman.

The Sergeant-at-Arms was dispatched after Mr. Buckman.

Mr. Buckman appeared, and
On motion of Mr. Harlan,
*The call of the house* was dispensed with.

Ayes and noes being ordered on the adoption of the report resulted,

Ayes 9, noes 4, as follows:

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Frisbie, Gifford, Johnson, Jacobson, Larson, Puett and Mr. Speaker.

Those who voted in the negative, were
Messrs. Donaldson, Harlan, Wallace and Waldron.

Speaker resumed the chair.

The report was adopted, and
Mr. Pease came forward and took the oath of office administered by the Speaker.

Mr. Puett moved to adjourn till two o'clock, P. M.

Ayes and noes ordered, resulted,
Ayes 11, noes 2, as follows:

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Frisbie, Gifford, Harlan, John-

son, Jacobson, Larson, Puett, Waldron and Mr. Speaker.

Those who voted in the negative, were
Messrs. Donaldson and Wallace.

The House adjourned to meet at two o'clock, P. M.

---

AFTERNOON SESSION.

2 O'CLOCK P. M.

The Speaker in the chair.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Waldron and Mr. Speaker.

On motion of Mr. Puett the
Chair appointed Messrs. Puett and Harlan a committee to inform the council that the house is now ready to meet them in joint convention.

---

JOINT CONVENTION.

The members of the Council appeared in the Hall.

The joint convention was called to order by the President of the Council.

The roll being called, the following members answered to their names:

Messrs. Boyle, Bramble, Brookings, Cole, McFetridge, Shober, Stutsman, Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and Armstrong.

The chair announced that a quorum, was present.

On motion of Mr. Bramble, the Secretary of the council was instructed to act as Assistant Clerk of the joint convention.

Mr. Shober moved that a committee of two, (one on the part of the house and one on the part of the council) be appointed to wait upon his excellency the Governor, and inform him that the two houses are now in joint convention ready to receive any communication his excellency may have to make.

The motion prevailed, and

Messrs. Shober and Puett, were appointed such committee.

Joint convention took a recess until the committee should have time to report.

The committee appearing in the hall the President called the convention to order.

Mr. Shober presented the following report:

MR. PRESIDENT:—

Your committee appointed to wait upon his excellency the Governor, and inform him that the two houses are in joint convention, and ready to receiveany communication his excellency may have to make—have discharged that duty, and report that the Governor will communicate to the convention immediately through his private Secretary.

J. H. SHOBER.
A. W. PUETT.
*Committee.*

The private Secretary of the Governor appeared and presented a communication from his excellency, which was read to the convention, as follows:

*Gentlemen of the Council and House of Representatives:*

While humbly acknowledging our dependence on the kindness of God, let us return thanks for the many blessings, which our people have enjoyed during the past year,—peace in the midst of war, abundant harvests and general health. While the whole country has been convulsed with the throes of a mighty civil rebellion, devastating the finest regions of our country, destroying the crops, and wasting the hard earned accumulations of the husbandman, depopulating and laying waste whole districts of country, sacking and destroying towns, ruining commercial marts, and carrying want and destitution into tens of thousands of once happy homes. While Indian depreda-

tions and massacres of untold ferocity and brutality, and to an extent unheard of in all the annals of savage war, have been committed only just without our limits, yet Dakota has been spared all the immediate calamaties of civil, and, to a great extent, the horrors of Indian war, and our people have been blessed with security and prosperity.

The first Legislative Assembly enacted a civil and criminal code, established a revenue, militia and educational system, formed all the counties which our settlements seemed to require and passed many other acts of necessary legislation. I am not aware of many alterations or amendments to our laws, which are at present demanded, though doubtless time and more experience in their practical operations will suggest some.

I would recommend some legislation in reference to the establishment of Territorial Courts. No time or place for the holding of terms of the Territorial Courts having as yet been designated by any act of the Legislature, many cases which cannot be brought before the Federal Courts, will have to be postponed until some action is taken by your honorable body upon this subject.

The questions, which are most intimately connected with the welfare and settlement of Dakota, and which will require your attention and consideration, are Indian affairs and military protection to the frontier. Although the Legislature has no direct control and authority over these matters, yet it is very desirable, and, I think, absolutely necessary that you take cognizance of these subjects, and that you memorialize Congress in reference to them, and ask for the adoption of prompt and vigorous measures, which shall quiet the apprehensions of the settlers, and give peace and perfect security to all the border settlements.

During the past year, we have had no formidable attack or appalling massacres, yet our people have suffered from Indian depredation, and the continual fear of being plundered and murdered by the roving bands of lawless savages, who have been prowling around our settlements, has been the source of annoyance and alarm to all our citizens.

The murder of Judge J. B. Amidon and son at Sioux Falls, occurring immediately upon the receipt of the first news of the

terrible massacre of men, women and children in Minnesota, very justly alarmed the settlers in that portion of the Territory. Knowing their entire inability to protect themselves against any considerable force of Indians, with the small detachment of Dakota Cavalry I had stationed there, they wisely concluded to withdraw to the more thickly settled portions of the Territory lying upon the Missouri river. After the abandonment of that place, the Indians came in and destroyed and burned the town and all the improvements in the surrounding country.—Upon the reception of the news of this attack, at Sioux Falls, coupled with the news of a great savage war in Minnesota, and the actual presence of hostile bands in the vicinity of our towns, engaged in plunder and threatening war, a feeling of general alarm naturally spread through the Territory—and many of our citizens moved temporarily into Iowa.

As we have but one military company stationed in the whole district of country between the Big Sioux and Fort Randall, and as this company was divided into several detachments, and could render only very limited protection to our scattered settlements, I issued a proclamation calling for the immediate organization of the entire militia of the Territory. Finding, however, that the feeling of insecurity was likely to depopulate some of our counties, I dispatched Lieutenant Kellam, a special messenger to Gen. Blunt, commanding the department of Kansas, with letters and a requisition for arms, ammunition, and additional troops. Just at this time the Department of the North-West was created and Dakota was transferred from the Department of Kansas to the Department of the North-West. Some delay was thus occasioned in the reception of arms, but as soon as the requisition was forwarded to Gen. Pope, he promptly responded to it, and we are now in possession of arms and ammunition sufficient for all our militia force.

As no troops could be sent to us immediately, I thought it necessary to call into active service a part of our militia, which would tend to restore confidence and give us protection until United States troops could be stationed in our midst.

I would recommend that an act be passed authorizing the auditor of the territory to audit the military accounts of the territory, and to issue warrants sufficient to defray the expense

connected with subsisting and paying the militia for the time they have been in actual service; and that, when the amount is ascertained, the legislature memorialize Congress for an appropriation sufficient to refund to the territory all the expenses incurred by her in providing for the maintenance of the militia force.

The Yankton Sioux and the Ponca Indians, the annuity tribes which are located upon their own reservations, in close proximity to our settlements, have remained friendly, and I see no good reason to apprehend any trouble with them, but believe that the same peaceful relations will continue with those tribes which have heretofore existed.

I regret to say that I fear we are to have trouble with the Sioux of the Upper Missouri agency. They have for some time past been uneasy, restless, and dissatisfied with the Government, and disposed to war. The unusual amount of travel during the past year through the region of country claimed and occupied by the upper Sioux, has excited and alarmed them. The news of new gold fields, of unsurpassed richness, on the Salmon river and the head waters of the Missouri has made a highway through a part of this territory never before marked by the foot-print of the white man, save an occasional hunter and trapper. The presence of the stranger, and this passage to and fro through their lands, has awakened their jealousy, and made them suspicious that they, too, would soon be crowded from the hunting grounds of their fathers, and be pressed farther west towards the setting sun. Portions of these tribes, who are friendly and who desire to remain at peace, are becoming intimidated by the more bold and lawless members of their bands, and are fast being won over the views and feelings of the hostile ones. Four-Bears, one of the friendly Yanktonnai chiefs, was murdered last year by his own people, on account of his friendship for the Government. Bear's-Rib, one of the head chiefs of the Onckpapa, and most devoted friend of the whites, was murdered by members of his own tribe, because he opposed any hostility against the United States, and consenting to still receive the goods brought up for distribution by Mr. Latta, the Indian Agent for the Upper Missouri. This year the Rees and Grosventres, who are locat-

ed near Fort Berthold, and who are the most peaceful of all the upper tribes, were twice attacked in their own village by the Sioux, for the reason that they still hold out for peace, and refuse to combine with them to make war on the whites.

The Indians were promised by the Government, that so long as they remained at peace, and faithfully observed their treaty stipulations, they should have aid and protection against all hostile tribes. How has this been observed? Experience has taught the friendly tribes that the greatest safety is to be found in hostility to the whites,—the Government having neglected and failed to give the friendly disposed Indians the promised aid.

The hostile Indians embrace a large majority of the tribes of the Upper Missouri, and unless prompt measures are taken to suppress any uprising there, and to punish the hostile bands, we have every reason to expect a combination of all the numerous tribes of Dakota, and a general Indian war of unparalleled proportions and untold ferocity.

We require for the purpose of giving ample security to our settlements, and to preserve peace throughout our territory, the establishment of three military posts—one at Sioux Falls; one at or near Fort Berthold, and one near Fort Benton. Ample protection to Dakota is protection to Western Minnesota, Northwestern Iowa, and Northern Nebraska. When Dakota is left unprotected, then the frontier settlements of Minnesota, Iowa, and Nebraska are liable to a repetition of the horrible massacre which last August devastated two hundred miles of frontier settlements in Minnesota. This question of protection is vital to all frontier settlements. Without it, settlements must recede and not advance; with it, emmigration, the hardy pioneer with his axe and plow, will push forward the advanced line of civilization and open up new lands which will furnish happy homes for thousands, who are now looking to the great North-West.

I take great pleasure in informing you that I now believe that we are to have protection, and that a powerful expedition is now being organized, which will visit summary punishment upon all the hostile tribes, and teach them a proper respect for, and fear of the authority of the Federal Government. Major

General John Pope, commanding the Department of the North-West, is fully alive to the interests and the military necessities of his department, and he intends that these Indian difficulties shall be thoroughly attended to.

General Pope has created the first military district of his department, which is to embrace Dakota and a portion of Northwestern Iowa; he has assigned to this command General John Cook, of Illinois, one of the heroes of Fort Donelson and Shiloh—an officer whose ability and gallantry in the field, are only equaled by his executive talent. The appointment of General Cook to the command of this district is a guarantee of a prompt, vigorous and effective campaign—one which shall inflict severe punishment upon a treacherous foe, and give peace to our borders, and create a feeling of security among our people, which shall tend to the settlement and development of Dakota. I have dwelled at some length upon our Indian relations, because I consider it a matter of the most vital importance, and one that will enlist your hearty co-operation.

At the last session of Congress, an appropriation was made for the purpose of defraying the expense of making a treaty with the Chippewa Indians, living on the Red River of the North, and, but for the late Indian war in Minnesota, this treaty would have been made, and that rich and fertile portion of our Territory would have been opened to white settlement. I trust that treaty may not long be delayed, thereby affording encouragement and protection to the large and remunerating trade already established between that region of country and Saint Paul, on the Mississippi.

I would again call to your notice some recommendations made in my first message to the Legislature of Dakota. I would urge that Congress be memorialized in reference to a geological survey of the Territory; to make Fort Randall the distributing post for supplying the Forts to the west of us, and for the establishment of military roads from the Big Sioux river to Fort Randall, and from the Red River of the North, to points on the Missouri river at or near forts Union and Benton. The reasons for these recommendations were given at length in my last message, and it would seem unnecessary to repeat them at this time.

It is not my intention to enlarge to you on the future of this Territory, and discuss the many advantages offered to those desirous of leaving the older States, for the purpose of seeking new locations, and participating in the many benefits incident to a young and prosperous Territory. Dakota, unsurpassed in soil, climate, and the abundance of her own resources, has already attracted the attention of the whole country, and promises soon to be filled up by a hardy, industrious, and intelligent population.

With a satisfactory adjustment of Indian Affairs, and the end of the rebellion, we shall witness the checked emigration of the past few years once more spring up, and soon the rich valleys of the Missouri, the Big Sioux, Dakota, Red River, and Niobrara will be crowded with dense settlements, thriving towns and commercial cities.

At the last session of Congress, an act was passed authorizing the construction of the Pacific Railroad. The idea of a great central Railway across the continent has been a popular one for some years, and has received the approval of the whole country. While this is a great enterprise of public improvement—identified with every interest of the nation, which we, in common with others, will participate in, yet we have every reason to expect local and immediate benefits to flow from its construction. Sioux City has been very properly designated as the point from which the north branch shall start. We are especially interested in an amendment to the bill as passed, which shall require that this branch shall be located on the north side of the Missouri, and thence up the valley of the Niobrara river, to the most practicable point of connection with the main trunk. As the bill will be amended in many particulars at the present session of Congress, I think, with the proper effort, that the amendment which most interests our Territory may be carried.

My former message contained several suggestions and recommendations which, under the great pressure of local and general business, were not acted upon by the last Legislature, and as I believe some of them vital to the best interests of the Territory, and equally appropriate at the present time, I trust that you will give them the attention and consideration that you, in your wisdom, may deem necessary.

I would also most respectfully bespeak your counsel and hearty co-operation in all public measures for the promotion of the general well-being of the Territory; and I trust that your deliberations will be harmonious—guided by wisdom and justice. And inconclusion, I ask you to join me in the hope that, before thecoming of another Legislative Assembly in your respective halls, the dark clouds of civil and Indian wars, which now overcast our political sky, through the interposition of an overruling Providence, will have been swept away forever, letting in the sunshine of peace, liberty and prosperity upon our once more happy country.

W. JAYNE,
*Governor.*

On motion of Mr. Brookings, the
Joint Convention dissolved.

---

The house was called to order.

The Speaker in the chair.

On motion of Mr. Harlan, the
Governors message was referred to a Committee of the Whole on Monday, at half past two o'clock P. M.

Mr. Puett introduced the following resolution, whieh was adopted:

*Resolved*, That eight hundred copies of the Governors message be printed in the English language and two hundred in the Norwegian language, for the use of this house.

Mr. Puett gave notice, that he would on to-morrow or some subsequent day of the session introduce a memorial to the Congress of the United States relating to the Indian out-break in the North-West.

Mr. Bothun gave notice, that he would on to-morrow or some future day introduce a bill for an act entitled an act prohibiting the sale of spiritous liquors on the Sabbath.

Mr. Wallace introduced
H. F. no. 5,
A memorial and joint resolution relative to making Fort Randall a distributing post.
Read first time; also,

H. F. No. 6,
A memorial and joint resolution praying Congress to amend section two of the act providing for a temporary government for the Territory of Dakota..
Read first time; also,

H. F. no 7,
A memorial relative to the public surveys in Dakota Territory.
Read first time.

Mr. Puett asked and obtained leave to introduce,
H. F. no. 8,
A memorial asking military protection from Brigadier General Cook.
Read first and second time,
Rules suspended,
Read third time and
Put upon its passage.

Ayes and noes ordered, resulted,
Ayes 12, noes 1.

Ayes—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron and Mr. Speaker.

Noes—Mr. Pease.

So the memorial passed, and
Title agreed to.

On motion of Mr. Harlan, the
House adjourned at half past three o'clock to meet to-morrow at ten o'clock A. M.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

## NINETEENTH DAY.

Friday, December 19, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

Journal read, corrected and approved.

During the reading of the journal the following message was received from the council and laid upon the table:

COUNCIL CHAMBER,
December 19, 1862.

MR. SPEAKER:

The council have passed the following council bills:

C. B. No. 2,

A bill for an act providing bounties for wolf scalps; also,

C. B. No. 5,

A bill for an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon the lands of the United States under certain circumstances;" also,

C. B. No. 7,

A bill for an act to regulate and encourage the drainage of lands; also,

C. B. No. 10,

A bill for an act prescribing the general duties of the territorial auditor.

C. B. No. 11,

A bill for an act incorporating the Racine Ameni transportation and mining company; also,

C. B. No. 14,

A bill for an act to authorize the formation of the mining, manufacturing and banking company of North America; also,

C. B. No. 17,

A bill for an act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory; also,

C. B. No. 19,

A bill for an act authorizing F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river, at Yankton.

In all of which the concurrence of the house is respectfully requested.

I have to inform you that the council have adopted the joint rules reported by the joint committee of the two houses with the amendment in which the house has already concurred.

I have also to inform you that the council have ordered six hundred copies of the Governor's message printed for the use of the council.

JAMES TUFTS,
*Secretary.*

The following notices of bills were received:

Mr. Puett gave notice that he would, on a subsequent day of the session, introduce a bill for the establishment of the boundary line of Clay county.

Mr. Jacobson gave notice that he would, on to-morrow, or some future day of the session, introduce a bill for an act to amend chapter thirty-three of the general laws of Dakota.

Also, a bill for an act to change the name of Nels Wekengson.

Also, a bill for an act to change the name of Torbjorn W. Torrison.

Mr. Larson gave notice that he would, on to-morrow, or some future day, introduce a bill for an act entitled an act to punish betting on elections, and for other purposes.

Mr. Johnson gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an act dissolving the

bonds of matrimony now existing between Malinda Metcalf and Morris Metcalf.

The message from the council was then taken from the table and read.

The following council bills were read a first time:

C. B. No. 2,

An act providing bounties for wolf scalps.

C. B. No. 5,

An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States under certain circumstances."

C. B. No. 7,

An act to regulate and encourage the drainage of lands.

C. B. No. 10,

An act prescribing the general duties of the territorial auditor.

C. B. No. 11.,

An act incorporating the Racine Ameni transportation and mining Company.

C. B. No. 14,

An act to authorize the formation of the mining, manufacturing and banking company of North America.

C. B. No. 17,

A bill for an act granting a ferry charter across the Missouri river, at a point nearly opposite Ponca, Nebraska Territory.

C. B. No. 19,

An act to authorize F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river, at Yankton.

C. B. No. 4,

An act establishing a seal for the Territory of Dakota, was then

Taken up,

Read a third time, and

Put upon its passage.

Ayes and noes being ordered, resulted,

Ayes 13, noes 0, as follows:

Ayes—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

So the bill passed, and

Title agreed to.

H. F. No. 2,

A bill for an act legalizing the official acts of N. J. Wallace, as register of deeds for Cole county, was

Taken up, and

Read a second time, and

Referred to the committee on Judiciary.

H. F. No. 3,

An act conferring the right of citizenship upon Walter Arcon, was

Taken up, and

Read a second time, and

Referred to the committee on Engrossment.

Mr. Donaldson introduced the following resolution:

*Resolved*, That the heartfelt thanks of this body be tendered to the Hon. A. J. Harlan for the able, just, and impartial manner in which he performed the duties of Speaker of this house.

Mr. Wallace moved the adoption of the resolution.

The ayes and noes being demanded and ordered resulted,

Ayes 7, noes 5, as follows:

Ayes—Messrs. Donaldson, Gifford, Johnson, Pease, Wallace, Waldron, and Mr. Speaker.

Noes—Messrs. Bothun, Frisbie, Jacobson, Larson, and Puett.

So the resolution was adopted.

On motion of Mr. Puett, the

House adjourned at half-past 11 to meet to-morrow at ten o'clock A. M.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

---

## TWENTIETH DAY.

Saturday, December 20, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present.

Journal of yesterday read and approved.

The following message was received from the council:

COUNCIL CHAMBER,
Saturday, December 20, 1862.

MR. SPEAKER:

The council have passed the following council bills:

C. B. No. 15, entitled,

A memorial for a military post on the Big Sioux river.

C. B. No. 21, entitled,

A bill for an act regulating the hours of manual labor.

C. B. No. 23, entitled,

A bill for an act for the protection of owners of saw logs in this territory.

C. B. No. 24, entitled,

A bill for an act to secure the free passage of logs and lumber down the several rivers of this territory.

JAMES TUFTS,
*Secretary.*

Mr. Donaldson submitted the following report:

MR. SPEAKER:

Your committee to whom was referred

C. B. No. 9,

An act prescribing the general duties of the territorial treasurer,

Report the same back without amendment and recommend its passage.

H. S. DONALDSON,
N. J. WALLACE,
J. JACOBSON.

Report adopted.

The following notices of bills were received:

Mr. Bothun gave notice that he would, on Monday, or some future day, introduce a bill for an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence.

Mr. Gifford gave notice that he would, on to-morrow, or some future day, introduce a bill for an act for regulating fences in the Territory of Dakota.

Mr. Frisbie gave notice that he would, on to-morrow, or some future day, introduce a bill to exempt certain lands from taxation and to encourage the raising of timber in the Territory of Dakota.

Mr. Buckman gave notice that he would, on Monday next, introduce a bill relative to settlers on public lands.

Mr. Harlan gave notice that he would, on to-morrow, or some future day, introduce a bill increasing the number of councilmen and members of the house of representatives of the Territory of Dakota.

Also, gave notice of a bill apportioning the territory into council and representative districts and assigning the number of councilmen and representatives in the same.

Also, a bill giving a right to contest in cases of election, and the mode of proceeding therein.

Mr. Wallace gave notice that he would, on Monday, or some future day of the session, introduce a bill for an act to preserve the purity of the ballot box, and to prevent ballot box stuffing.

Also, a bill for an act prescribing the manner of conducting contested elections.

On motion of Mr. Donaldson, the

Rule requiring the bills to be printed after the first reading was suspended until the rules should be revised.

Mr. Bothun introduced

H. F. No. 9, entitled,

An act prohibiting the sale of spirituous liquors on Sunday.

Read a first time

Mr. Johnson introduced

H. F. No. 10, entitled,

An act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf.

Read a first time.

Mr. Jacobson introduced

H. F. No. 11, entitled,

An act to amend an act to designate the time of holding the general elections and provide for the election of delegate to Congress.

Read a first and second time, and

Referred to committee on Judiciary; also,

H. F. No. 12, entitled,

An act to change the name of Torbjorn W. Torrison.

Read first and second time, and

Referred to committee on Judiciary; also,

H. F. No. 13, entitled,

An act to change the name of Nels W. Wekengson.

Read a first time.

Mr. Harlan introduced the following resolution:

*Resolved*, That the secretary of the territory be, and he is hereby respectfully requested to communicate to this house, at

as early a day as practicable, the names of persons who have been appointed registers of deeds since the first day of the last session of the legislature; by whom appointed, and the date thereof; who (if any) have been removed; by whom, and the date thereof; who resigned, and when; also, the names of persons who were elected by the people September 1, 1862; also, designating the counties for which they have been appointed and elected.

On motion of Mr. Wallace, the
Resolution was adopted.

The message from the council was then taken up and read.

C. B. No. 15, entitled,
A memorial for a military post on the Big Sioux River,
Read a first and second time, and
Referred to committee on Military Affairs.

The following message was received from the council:

COUNCIL CHAMBER,
December 20th, 1862.

MR. SPEAKER:

The council have passed
H. F. No. 8, entitled
A memorial asking military protection from Brigadier Gen. Cook, commanding military district of Dakota, with the accompanying amendment,
And respectfully request the concurrence of the house therein.

JAMES TUFTS.
*Secretary.*

C. B. No. 21, entitled,
An act regulating the hours of manual labor.
Read first time.

C. B. No. 23, entitled,
An act for the protection of the owners of saw logs in this Territory.
Read first time.

C. B. No. 24, entitled,
An act to secure the free passage of logs and lumber down the several rivers of this Territory.

H. F. No. 8, entitled,

A memorial asking military protection from Brigadier General Cook, commanding military district of Dakota, was

Taken up.

Amendment of the council concurred in, and

Referred to Enrolling committee.

C. B. No. 2, entitled,

An act providing bounties for wolf scalps.

Read second time, and

Referred to committee on Agriculture.

C. B. No. 5, entitled,

An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled,

An act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

Read second time, and

Referred to committee on Judiciary.

C. B. No. 7, entitled,

An act to regulate and encourage the drainage of lands.

Read second time, and

Referred to committee on Public Lands.

C. B. No. 10, entitled,

An act prescribing the general duties of the Territorial Auditor.

Read second time, and

Referred to committee on Federal Relations.

C. B. No. 11, entitled,

An act incorporating the Racine and Ameni transportation and mining company.

Read second time, and

Referred to committee on Incorporations.

C. B. No. 14, entitled

An act to authorize the formation of the mining, manufacturing and banking company of North America.

Read second time.

Mr. Johnson moved to refer the bill to the committee on Mines and Minerals.

Mr. Donaldson moved to strike out Mines and Minerals and insert Incorporations.

Ayes and noes being ordered, resulted,

Ayes 6, noes 8, as follows:

Ayes—Messrs. Buckman, Donaldson, Harlan, Pease, Wallace and Waldron.

Noes—Messrs. Bothun, Frisbie, Gifford, Johnson, Jacobson Larson, Puett and Mr. Speaker.

So the amendment did not prevail.

The bill was then referred to committee on Mines and Minerals.

C. B. No. 17, entitled,

A bill for an act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory.

Read second time and

Referred to committee on Incorporations,

C. B. No. 19, entitled,

An act to authorize F. Chapel and J. S. Presho, to establish and run a ferry across the Missouri river at Yankton.

Read the second time, and

Referred to the committee on Incorporations.

C. B. No. 9, entitled,

An act prescribing the general duties of the Territorial Treasurer.

Read third time, and

Put upon its passage.

Ayes and noes being taken resulted,

Ayes 13, noes 0, as follows:

Ayes—Messrs. Bothun, Buck man, Frisbie, Gifford, Harlan Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and Mr. Speaker.

Bill passed and
Title agreed to.

H. F. No. 5, entitled,
A memorial and joint resolution relative to making Fort Randall a distributing post.
Read second time, and
Referred to the committee on Military Affairs.

H. F. No. 6, entitled,
A memorial and joint resolution praying Congress to amend section two of the act providing for a temporary Government for the Territory of Dakota.
Read second time, and
Referred to committee on Federal Relations.

H. F. No. 7, entitled,
A memorial relative to the Public Surveys in Dakota Territory.
Read second time, and
Referred to committee on Public Lands.

Mr. Wallace submitted the following report:

MR. SPEAKER:—
Your committee on Engrossment have had under consideration,
H. F. No. 3,
An act conferring the right of citizenship upon Walter Arcon, and
Report the same correctly engrossed.

N. J. WALLACE,
J. Y. BUCKMAN,
J. JACOBSON.

Report adopted.

H. F. No. 3, was
Taken up,
Read third time, and
Put upon its passage.

Ayes and noes being had, resulted,

Ayes 13, noes 1, as follows:

Ayes—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace and Mr. Speaker.

Mr. Waldron voting no.

Bill passed, and
Title agreed to.

Mr. Waldron offered the following amendments to the stand-Rules, which were adopted:

Amend rule 23, by striking out all after the words "Joint Resolution," and insert the following, "on the first reading shall be read by their title," unless otherwise ordered by the House.

If any objections be made to the reception of a bill, the question, shall be, "shall this bill be rejected?" If no opposition be made, it shall go to its second reading without a question.

Amend rule 24, by inserting before the word "Engrossment," the words "commitment or amendment."

Amend rule 26, by striking out the word "twice," in the last line and insert the word "once."

On motion of Mr. Harlan, the
House adjourned at half past 12 P. M., to meet Monday at 2 o'clock P. M.

M. K. ARMSTRONG, *Speaker.*
R. M. HAGAMAN, *Chief Clerk.*

---

## TWENTY-SECOND DAY.

Monday, December 22, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present.

Journal of Saturday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
December 19, 1862.

MR. SPEAKER:

The council have passed the following council bills:

C. B. No. 8, entitled,

A bill for an act for the partition of real property.

C. B. No. 25, entitled,

Joint resolution relative to a geological report.

C. B. No. 28, entitled,

A bill for an act to provide for the taking up of water craft found adrift, lost goods, and for other purposes.

C. B. No. 31, entitled,

A bill for an act changing the time of holding United States district courts in the several judicial districts of the Territory of Dakota.

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

The assistant clerk of the house presented his resignation as follows:

MR. SPEAKER:

I feel grateful to this body in their choosing me to fill the position of assistant clerk, and tender my heartfelt thanks for the honor they have conferred upon me; but, for reasons herein not proper to state, I hereby tender my resignation as assistant clerk of this house. All of which is respectfully submitted.

J. M. STONE.

Which resignation was accepted.

On motion of Mr. Puett, the
House proceeded to the election of assistant clerk.

Mr. Johnson nominated J. M. Allen.

Mr. Puett nominated G. N. Proper.

Mr. Pease nominated Wm. Bordino.

The vote being taken,
Mr. Allen received 9 votes.

Mr. Propper received 3 votes, and

Mr. Bordino received 2 votes.

Those voting for Mr. Allen were
Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Wallace, Waldron, and Mr. Speaker.

Those voting for Mr. Propper were
Messrs. Bothun, Frisbie, and Larson.

Those voting for Mr. Bordino were
Messrs. Pease, and Puett.

Mr. Allen having received the number of votes necessary to a choice was declared duly elected assistant clerk.

The assistant clerk elect then came forward and took the oath of office, administered by United States Attorney Gleeson.

Mr. Puett, chairman of the committee on Military Affairs, submitted the following report.

MR. SPEAKER:

Your committee on Military Affairs have had under examination,

H. F. No. 5,

A memorial relative to making Fort Randall a distributing post; also,

C. B. No. 15,

A memorial for a military post on the Big Sioux river, and

Report the same back and recommend their passage without amendment.

A. W. PUETT,
J. A. JACOBSON.
H. S. DONALDSON.

Which report was adopted.

Mr. Puett submitted the following:

MR. SPEAKER:

Your committee on Enrollment have examined
C. B. No. 4, and
Report the same as correctly enrolled.

A. W. PUETT,
E. W. GIFFORD,
R. M. JOHNSON.

Which report was adopted.

Mr. Puett gave notice that he would on a subsequent day of the session introduce a bill for an act for the punishment of offenses against property; also,

A bill for an act concerning debtors and their sureties.

M. Frisbie gave notice that on to-morrow, or some future day, he would introduce a bill to amend chapter fourteen of the laws of Dakota.

Mr. Harlan gave notice that on to-morrow or some future day, he would introduce a memorial to Congress, asking for an increase of pay for the soldiers of the army of the United States.

Mr. Frisbie introduced
H. F. No. 14,
An act to exempt certain lands and the improvements on the same from taxation, to encourage the growth of timber.
Read the first time.

Mr. Buckman introduced
H. F. No. 15,
An act relating to settlers on the public lands.
Read first time.

On Motion of Mr. Harlan, the
Special order of the day was taken up, and the

House resolved itself into, a committee of the Whole, to consider the Governor's message.

Mr. Puett in the chair.

After some time spent therein the committee arose, and by their chairman made the following report:

MR. SPEAKER:

The committee of the Whole, to whom was referred the Governor's message have had the same under consideration, and have come to no conclusion thereon, and have directed me to report the same back to the house and ask leave to sit again.

A. W. PUETT.

Which leave was granted, and the report
Adopted.

On motion of Mr. Wallace, the
House adjourned at three o'clock P. M.. to meet to-morrow morning at ten o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## TWENTY-THIRD DAY.

Tuesday, December, 23, 1862.

House met pursuant to adjournment.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

The journal of yesterday was read, corrected and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
December 23, 1862.

MR. SPEAKER:

The council have passed
C. B. No. 22, entitled,
A bill for an act to designate certain holidays.
The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

C. B. No. 8,
An act for the partition of real property, was
Read a first and second time, and
Referred to the committee on Judiciary.

C. B. No. 25,
Joint resolution relative to a geological report, was
Read a first and second time, and
Referred to the committee on Federal Relations.

C. B. No. 28,
An act to provide for the taking up of water craft found adrift, lost goods, and for other purposes, was
Read a first and second time, and
Referred to the committee on Judiciary.

C. B. No. 22,
An act to designate certain holidays, was
Read a first and second time, and
Referred to the committee on Education.

C. B. No. 31,
An act changing the time of holding United States district courts in the several districts of the Territory of Dakota, was
Read a first and second time, and
Referred to the committee on Judiciary.

C. B. No. 21,
An act regulating the hours of manual labor, was
Read a second time, and

Referred to the committee on Ways and Means.

C. B. No. 23,
An act for the protection of the owners of saw logs in this Territory, was
Read a second time, and
Referred to the committee on Judiciary.

C. B. No. 24,
An act to secure the free passage of logs and lumber down the several rivers of this Territory, was
Read a second time, and
Referred to the committee on Federal Relations.

C. B. No. 15,
A memorial for a military post on the Big Sioux river, was
Taken up for consideration.

On motion of Mr. Puett, the
Memorial was re-committed to a select committee of three.

The chair appointed as such committee,
Messrs. Puett, Harlan, and Waldron.

H. F. No. 9,
An act prohibiting the sale of spirituous liquors on the Sabbath, was
Read a second time, and
Referred to the committee on Agriculture.

H. F. No. 10,
An act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf, was
Read a second time, and
Referred to the committee on Judiciary.

H. F. No. 13,
An act to change the name of Nels W. Wekengson, was
Read a second time, and
Referred to the committee on Elections.

H. F. No. 14,
An act to exempt certain lands, and improvements on the same, from taxation, to encourage the growth of timber, was

Read a second time, and
Referred to the committee on Ways and Means.

H. F. No. 15,
An act relating to settlers on the public lands, was
Read a second time, and
Referred to the committee on Public Lands.

The chair appointed Mr. Pease to fill the vacancy existing in the committee on Public Lands.

Leave being granted,
Mr. Puett submitted the following report:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred
H. F. No. 12,
An act to change the name of Torbjon W. Torrison, have had the same under consideration, and

Report the same back without amendment, and recommend its passage.

A. W. PUETT.
A. J. HARLAN.
GEO. P. WALDRON

The report was adopted.

H. F. No. 5,
A memorial and joint resolution relative to making Fort Randall a distributing post, was
Read a third time, and
Put upon its final passage, the
Vote resulting as follows:
Yeas 14, noes 0.

Those who voted in the affirmative were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the memorial and joint resolution passed, and its Title agreed to.

H. F. No. 12,
An act to change the name of Nels W. Wekengson, was

Read a third time, and
The vote being upon its final passage, there were
Yeas 14, nays 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the bill passed, and its
Title agreed to.

The following communication was received from the Secretary of the Territory, Hon. John Hutchinson:

SECRETARY'S OFFICE,
Yankton, Dec. 23, 1862.

*Gentlemen of the House of Representatives:*

Your resolution requesting me to furnish a list of the appointments of registers of deeds in the several counties of the Territory has been forwarded to me, and in reply I give you the following:

| *Counties.* | *Names.* | *When appointed.* |
|---|---|---|
| Kittson county, | Charles Morrian, | May 14, 1862. |
| Cole " | N. J. Wallace, | " 15, " |
| Clay " | Franklin Taylor, | " 23, " |
| Yankton " | William Bordino, | June 23, " |
| Bon Homme " | H. W. Granger, | " 4, " |
| Todd " | Jas. B. Gayton, | |
| Charles Mix " | C. Lamont, | |
| Minnehaha " | H. Masters, | " 4, " |

In Bon Homme county, a second commission was issued to L. H. Litchfield, in August, 1862.

In September, 1862, Governor Jayne informed me that he had appointed M. M.Rich, in the place of N. J. Wallace, in Cole county.

I am, gentlemen,
Very truly yours,
JOHN HUTCHINSON, Sec'y.

Mr. Harlan, of the committee on elections, presented the following minority report, in the matter of contest between F. D. Pease and Henry A. Kennerly:

## MINORITY REPORT

MR. SPEAKER:

The undersigned, one of the committee on Privileges and Elections, takes this occasion, in connection, with his rights and the consent of the house, to give his reasons and protest against the acceptance of the report of the majority of said committee, to-wit: Messrs. Buckman and Puett, in the contested case of Kennerly and Pease, from the 8th representative district.

The house will remember that that committee was appointed by the Speaker on Thursday morning, the 18th of Dec. 1862, about eleven o'clock, and in about thirty minutes thereafter, the house took a recess for one-half hour. Immediately thereafter my colleagues on said committee called on me, and stated that they wished a meeting of the committee with respect to some matters of importance that were likely to come before us. Thereupon we went to the committee room. As soon as we got there, the case of Kennerly and Pease was brought up for consideration, but none of the proofs nor allegations of the parties—in a word, not anything pertaining to the case was before our committee. I moved that the committee report the facts back to the house, with a resolution asking the authority of the house to send for persons and papers, and have the same brought before the committee, so that it might proceed in order, and act intelligently in the examination of the case. My motion did not prevail. Thereupon, the chairman drew from his coat pocket the following report, which the majority agreed to, and did in a few minutes report to the house, as their action in the premises, to-wit:

MR. SPEAKER:

A majority of your committee on Elections have had under consideration the contested case of Messrs. Kennerly and Pease, and a majority of your committee have arrived at the conclusion, after examining the affidavits and other papers before them, that there were one hundred and thirty-eight votes polled in Charles Mix county, on the first of December, 1862. Subtracting eighty soldier votes, leaves fifty-eight as the legal vote in said county, eight of which were polled for H. A. Kennerly, the remaining fifty for F. D. Pease. In Todd county there were

thirty-two votes, twenty of which were polled for H. A. Kennerly, and six for F. D. Pease, making the entire legal vote in the district, ninety; fifty-six of which F. D. Pease received for representative, and thirty-four were cast for H. A. Kennerly for the same office; therefore, a majority of your committee respectfully recommend that said Pease be admitted to a seat in this house, as the representative from the eighth representative district of Dakota Territory.

JOS. Y. BUCKMAN,
A. W. PUETT.

Now, sir, I and the country are called upon to sanction and approve this hasty and most extraordinary action of a majority of the committee. Can we do it? Ought we to do it? Under all the circumstances of the case, it would be most strange and cruel if we should do it. I cannot—I will not. On the contrary, I most earnestly and solemnly protest against it for palpable and obvious reasons.

The committee, if not disposed to do justice to the parties, certainly should be willing, at least, to do justice to themselves.

The rights and interests of the parties contestants, demand that we should have heard the cases *patiently*, *fairly*, and *justly*; that we should have closed no door against an impartial investigation. We were created and made a committee, or tribunal, for the express purpose of hearing and trying such cases, and hearing and trying such cases with *deliberation*, with *fairness*, and *strict impartiality*. To stop short of such a hearing and such a trial, is to do the parties injustice, the committee injustice, and also, our fellow members of this house injustice. Moreover, it is adding insult to injury, by asking them to accept and approve the action of one of its standing committees, and which action, and report, is wholly based upon unreliable and untruthful hypothesis, and in violation of all rule, precedent and fairness. How could we perform our duty fairly and justly without hearing both sides of the case? How could we hear both, or either side of the case, with the door *absolutely closed* against hearing the case, or either side thereof? Pease did not know where we were, nor that we were absent on that business. Kennerly did not know where we were,

nor that we were absent, trying his right to a seat in this house.

How could they? No one had told them. They had not been invited to be present and lay their respective claims before our committee in order that we might do them *justice*, and at the same time, enable us to come to just and intelligent conclusions in the premises. As to all these things the parties were in the dark—so acted the committee.

I have said that the committee, at least, owed it to themselves, to hear with patience, both sides of the case. So I still think. Otherwise, the public may put a false construction upon our conduct, and construe our motives into the use of *unfairness* and *wanton partiality*.

It may be well to state in this place, that the report of the majority of the committee is untrue, both in fact and logic. It states that "*after examining the affidavits and other papers before them*," they come to the conclusion, &c., &c.

I am compelled to say that there was no affidavits nor other papers before the committee. Not only were there none, but the committee refused to bring any before it. The report finds that there was 138 votes polled in Charles Mix county, on the first of December, 1862, which I suppose was intended for September first, 1862; but for whom and for what purpose they were given it does not say. This it must have done on rumor. I suppose it states correctly the whole number, when it is put at 138.

Immediately thereupon the report adopts the rule of subtraction; for what purpose, I am unable to say; and why substract the votes and number it does, is equally incomprehensible.

It says, "Subtracting 80 soldier votes, leaves 58 as the legal vote in said county."

Who had said anything about legal or illegal votes? What may have been said in the streets or in the prairie, I neither know nor care. Whatever came properly before us, as a committee, we were bound by — nothing else.

To all of this hasty and inconsiderate action of the committee, I protest earnestly and solemnly. Before the committee nothing was shown, or proven, with respect to legal or illegal

votes. Whether the persons who cast the 138 votes were soldiers or civilians, was not a question before the committee, and had it been, it does not (as the majority of the committee seem to think it did) follow as a matter of course, that the soldier vote should have been subtracted. It is due, however, to my colleagues of the committee, and who made the majority report, to say that they stated, at the time of making the same, that they had heard statements and seen testimony, which was alleged to be lost, which would warrant them in coming to the conclusion to which they had arrived.

This, of course, was shown them as individuals, and not as members of the committee, and which, if true, only established more clearly the necessity for sending for persons and papers.

If the majority are allowed to act upon what they may have seen and heard, as individuals, may I not also? Rumor has it, and I believe the facts abundantly sustain that rumor, (indeed, I state it positively as a fact,) that Mr. Pease received only 109 votes in the whole district, and Kennerly but 34. It must be borne in mind that the report, no where pretends to say how many votes were given to Pease, but it assumes, (which is not true) that he got 138 in Charles Mix county and 6 in Todd county, making his total vote 144. Then it proceeds with its rule of subtraction, and takes from Pease, 80 soldier votes, leaving him but 64.

This process of reasoning and rule of arithmetic would elect Pease by just 30 votes. But if Pease received only 109, in the district, which is the case, and it becomes necessary, (as a majority of the committee have thought it was,) to take from him, Pease, the "80 soldier votes," then Kennerly is elected by just five votes.

Now, with all due respect, to the majority of the committee on Elections, and also its proceedings in the premises; I must nevertheless, be permitted to say that their conduct is unparliamentary and without a precedent. What would be said or thought of a court or jury, who should be called upon to try a cause between two parties, if it, or they should assume to determine that cause without hearing the testimony, much more, not only not hearing, but refusing to hear the proofs and allegation of the parties.

Would there not go up one universal condemnation from an insulted and justly indignant people?

If so, how can we expect to escape censure, and how shall we justify ourselves before our constituents?

Such a course of procedure is a vital and fatal stab at the rights of a citizen, giving him no chance to be heard, in the only court or tribunal in which his case could be heard. Subversive alike of freedom and justice, and if persisted in, is highly calculated to sap the very foundations of our free and republican institutions, and rearing in their stead, violence, tyranny, mob law and anarchy.

As an humble member, I protest against such proceedings, as an humble member of the committee whence originated the report, I protest against it, as a citizen of the Territory of Dakota, I protest against it, and call upon the people whose dearest rights are thus, heedlessly and unlawfully trampled under foot, to protest against it.

A. J. HARLAN.

Mr. Puett in the chair.

Mr. Armstrong moved that the report be laid on the table, and made the special order of the day on Tuesday morning next, at eleven o'clock, which

Motion prevailed.

Mr. Donaldson submitted the following report:

MR. SPEAKER:

Your committee have had under consideration

C. B. No. 1, *entitled*,

An act to amend section six of chapter twenty-three of the code, and report the same back with the following amendment, and recommend its passage:

Strike out in section one, and line eighteen, the word "deputy," and insert in line nineteen, after the word "deed," the words "in case there be no deputy register of deeds."

H. S. DONALDSON,
N. J. WALLACE,
J. A. JACOBSON.
*Committee.*

The report and amendment was
Adopted.

Mr. Donaldson also presented the following report:

MR. SPEAKER:

Your committee have had under consideration
C. B. Nos. 6, 17, and 19, and
Report the same back without amendment, and recommend their passage.

H. S. DONALDSON,
J. A. JACOBSON,
R. M. JOHNSON.
*Committee.*

Report adopted.

Mr. Bothun introduced
H. F. No. 16,
A bill to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, which was
Read a first time.

Mr. Armstrong offered the following resolution:

*Resolved*, That hereafter no claim or right to a seat, as a member of this body, shall be enquired into or otherwise acted upon, with a view of determining who may be entitled to the same, only as the matter shall be fully and fairly investigated and reported upon by the committee on Elections.

Mr. Donaldson moved that the resolution be indefinitely postponed.

The yeas and noes being demanded and ordered on the adoption of the motion, resulted as follows:

Yeas 3, noes 11.

Those who voted in the affirmative were,
Messrs. Donaldson, Wallace, and Waldron.

Those who voted in the negative were,
Messrs. Bothun, Buckman, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, and the Speaker.

So the motion did not prevail.

Mr. Donaldson moved that the resolution be laid on the table which

Motion did not prevail.

The resolution was then adopted.

Mr. Buckman moved to adjourn until eleven o'clock to-morrow morning, which

Motion was lost.

Mr. Wallace moved to adjourn until 10 o'clock to-morrow morning, which

Motion did not prevail.

Mr Buckman moved to adjourn until half past 10 o'clock to-morrow morning,

Motion lost.

The following report was presented:

MR. SPEAKER:

Your committee on Public Lands, to whom was referred

C. B. No. 7,

An act to regulate and encourage the drainage of lands,

Have had the same under consideration, and report the Same back without amendment, and recommend its passage.

R. M. JOHNSON.
W. W. FRISBIE.
*Committee.*

Report adopted.

Leave being granted,

Mr. Frisbie introduced

H. F. No. 17,

An act to amend an act entitled an act to establish Cole county, which was

Read a first time.

Mr. Waldron moved to adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Waldron moved that the house resolve itself into a com-

mittee of the Whole, for the purpose of considering the Governor's message, which

Motion did not prevail.

On motion of Mr. Jacobson, the

House adjourned at half past 12 o'clock, until to-morrow morning at 10 o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## TWENTY-FOURTH DAY.

Wednesday, December, 24, 1862.

House met pursuant to adjournment at 10 o'clock A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace and the Speaker.

Absent—Messrs. Buckman, and Waldron.

The journal of yesterday was read and approved.

The following communication was received from Mr. Smith, late chief clerk of the house:

*To the Hon. House of Representatives:*

YANKTON, D. T., Dec. 19, 1862.

GENTLEMEN:—Intimation having reached me, through direct and indirect sources, that a dissatisfaction exists in the minds of those members of the house, who withdrew early in the session, with reference to my official action in a particular instance, viz: entering at large on the house journal the report of the

Select Committee on Elections, made while the house was acting under a temporary organization. As I cannot meet the insinuation as briefly in writing as I may by an oral defence of my official course in this matter, I respectfully ask the privilege of my vindication before your *honorable body* in person, reserving, however, my belief that any explanation will be unnecessary to those who sanctioned my action during the absence of the members above referred to, and whose approval of my conduct throughout, has been consistent and uniform.

If it suits the convenience of the house, should this privilege be extended, I will, on Monday next, present the house with the original journal, when the same can be compared with the entry upon the final journal now in the custody of secretary Hutchinson.

I am, very respectfully,
Your obedient servant,
B. M. SMITH.

Mr. Wallace presented the following petition:

*Mr. Speaker and members of the House of Representatives:*

I hereby give notice that I will contest the seat of Mr. William Frisbie who holds a seat in your house as representative for the 1st representative district of this territory, averring that at the general election held pursuant to law in said district, on the 1st day of September, A. D. 1862, your petitioner received a greater number of legal votes than said Frisbie for the office of representative; also, the certificate of his election from the register of deeds authorized to issue the same.

Therefore, your petitioner would respectfully request your honorable body to take immediate action to determine his right to a seat as representative for said district.

Yankton, Dec. 18, 1862.

M. H. SOMERS.

On motion of Mr. Wallace, the
Petition was referred to the committee on Elections.

The following majority report was read:

MR. SPEAKER:

A majority of your committee on Mines and Minerals to whom was referred

C. B. No. 14,

An act to authorize the formation of the mining, manufacturing and banking company of North America,

Have had the same under consideration and ask leave to submit the following majority report for adoption:

While your committee are opposed, in principle, to banking, yet a majority of your committee are desirous of doing all in their power to further the development of the resources of the territory, and after taking into consideration the many safe guards and restrictions contained in this bill, a majority of the committee report the same back to the house without amendment and recommend its passage.

All of which is respectfully submitted,

L. BOTHUN,
KNUD LARSON,
*Committee.*

Mr. Harlan presented the following minority report:

MR. SPEAKER:

The undersigned, one of the committee on Mines and Minerals, to whom was referred

C. B. No. 14, entitled,

An act to authorize the formation of the mining, manufacturing and banking company of North America,

Takes this method of dissenting from the report of a majority of said committee in favor of the passage of said bill without amendment, because I honestly believe that it is an open, bold attempt to swindle somebody, and should it become a law I hereby warn the people to be on their guard against it.

A. J. HARLAN.

Mr. Harlan offered the following amendments to council bill No. 14:

Amend the first line by adding after the name of Lyman W. Gilbert, "William Jayne, Enos Stutsman, Geo. M. Pinney, W. A. Burleigh, and Charles E. Hedges."

Amend in the second line after the word "at," by striking out the words "some convenient point"—Yankton.

In the fourth line, section 1, strike out "fifty" and insert "twenty."

In the third line of section 2, after the first definite article "the" insert "said Lyman W. Gilbert and his."

After the word "company," in the third line of section 3, strike all out.

After the word "at," sixth line of section 3, insert "Yankton, in the Territory of Dakota," and strike out the balance of said line.

After the word "house," in line three section 4, insert, "in Yankton."

In the third line of section 4, after the word "notes," insert "of such banks as are par in the city of New York," and strike out the words "circulating in the territory."

After the word "notes," in the fifth line of section 4, add the words, "and the said Lyman W Gilbert and his associates, and all the stockholders, shall be severally and collectively liable in such prosecution."

In sixth line, section 4, after the word "all," add, "interests and."

Strike the words "the same," in third line of section 5, and insert, "debts and other legal liabilities."

Strike out all of section 6 after the word "paid" in the second line.

Strike out section 7, and add in lieu thereof the following:

Sec. 7. Be it enacted, that all notes of the said corporation issued for circulation, shall be registered and signed by the president and countersigned by the cashier, in separate book, kept expressly for that purpose, and no note shall be of a less denomination than one dollar.

Strike all of section 8, after the word "annually," in the third line thereof.

Strike out of the third line, in section 9, all after the word "at," and insert "Yankton, in the Territory of Dakota."

In line two, section 10, after the word "shall," add, "issue or put in circulation any bank bill or bills, or."

In third line, after the word before, add "auditor of the territory," and strike out the words "some officer authorized by law to administer an oath."

In same section, seventh line, add after word "once," "every ninety days," and strike out words "each year."

In same section, line seven, add "every three months," and strike out the words "each year."

Add the following additional section, or proviso:

"That said company, before they exercise and enter into any banking powers or privileges hereby granted and conferred, shall file in the office of the auditor of the Territory of Dakota, bonds and stocks on the United States of America, equal in amount to the whole amount of capital stock subscribed, which bonds and stocks shall be by said auditor, held and disposed of by him for the security and benefit of the note or bill holders of said company. Nor shall they so exercise such powers, until they have deposited with said auditor, in addition to the stock and bonds aforesaid, gold and silver equal in amount to one-fourth of their capital stock, which sum, in like manner, shall be held and disposed of by said auditor, for the use and benefit of note and bill holders of said company."

On motion of Mr. Donaldson,
A call of the house was ordered.

The roll being called,
The following members answered to their names, to wit:

Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

Mr. Buckman being absent, the sergeant-at-arms was dispatched to bring him forthwith to the house.

On motion of Mr. Puett,

Further proceedings under the call was dispensed with.

Mr. Harlan moved the consideration of the majority and minority reports of the committee on Mines and Minerals be made the special order of the day on Monday afternoon next, at a quarter past two o'clock.

Mr. Wallace called for the yeas and noes on the adoption of Mr. Harlan's motion, which being

Ordered, resulted as follows:

Yeas 10, noes 4.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Fiisbie, Gifford, Harlan, Jacobson, Pease, Wallace, Waldron and the Speaker.

Those who voted in the negative were

Messrs. Bothun, Johnson, Larson, and Puett.

So the motion prevailed.

The committee on Federal Relations presented the following report:

MR. SPEAKER:

The committee on Federal Relations to whom was referred

C. B. No. 10,

Prescribing the general duties of the territorial auditor,

C. B. No. 23,

C. B. No. 24, and

H. F. No. 6,

Have had the same under consideration and report the same back without amendments, and recommend their passage.

GEORGE P. WALDRON,
A. W. PUETT,
L. BOTHUN,
*Committee.*

The report was adopted.

The following report of Select committee was presented:

MR. SPEAKER:

The committee to whom was referred

C. B. No. 2,

Have had the same under consideration and have made the following amendments thereto, to wit:

Strike out the words "once each year," in the sixth and seventh line of section 3.

And in the same section, after the word "commissioners," in line seven, add "at their June term,"

Which they have directed me to report back to the house, and when so amended they recommend its passage.

WM. FRISBIE, Ch'n.

Report adopted.

Also, the following report was read:

MR. SPEAKER:

Your committee on Public Lands to whom was referred H. F. No. 15,

Have had the same under consideration and report the same back without amendment and recommend its passage.

R. M. JOHNSON, Ch'n.
W. W. FRISBIE,
F. D. PEASE,

Report adopted.

The following report was presented:

MR. SPEAKER:

Your committee on Education have had under consideration C. B. No. 22,

For an act to designate certain holidays,

And beg leave to report the same back without recommendation.

E. W. GIFFORD, Ch'n.
J. Y. BUCKMAN.

Report adopted.

Mr. Bothun gave notice that he would, on to-morrow, or some future day, introduce a bill to provide for the recovery of lost money and goods.

Mr. Gifford gave notice that he would, on to-morrow or some future day, introduce a bill to regulate the setting of prairie fires.

Also, a memorial to Congress asking for an amendment to the homestead act.

Mr. Puett introduced

H. F. No. 18,

An act for the punishment of offences against property, and

H. F. No. 19,

An act concerning debtors and their sureties, which were Read a first time.

C. B. No. 1,

An act to amend section six of chapter twenty-three, was Read a third time, and

The vote being taken upon its final passage, resulted as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, and the Speaker.

Mr. Waldron was excused from voting.

So the bill passed, and its Title agreed to.

C. B. No. 6,

An act to encourage the erection of mill dams and mills, was

Read a third time, and

Put upon its final passage, resulting as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the bill passed, and its Title agreed to.

C. B. No. 7,

An act to encourage and regulate the drainage of lands, was

Taken up for consideration.

Mr. Harlan moved that be recommitted to the committee on Judiciary, which

Motion did not prevail.

Mr. Waldron moved that the further consideration of the bill be postponed until the next regular meeting of the house.

Pending which motion,

Mr. Harlan moved to adjourn until two o'clock Friday afternoon, which

Motion prevailed, and

The house adjourned at half-past twelve o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## TWENTY-SIXTH DAY.

Friday, Dec. 26, 1862.

House met pursuant to adjournment at 2 o'clock P. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Buckman, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Waldron and Mr. Speaker.

Absent—Messrs. Donaldson and Wallace.

The journal of Wednesday was read and approved.

The following committee report was presented:

MR. SPEAKER:—

Your committee on Elections to whom was referred,

H. F. No. 13,

A bill for an act, to change the name of Nels W. Wekengson,

Have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

J. Y. BUCKMAN, Ch'n,
A. J. HARLAN,
A. W. PUETT.
*Committee.*

The report was adopted.

Mr. Bothun gave notice that on to-morrow or some future day, he would introduce a memorial to the Congress of the United States in relation to compensation for the losses by Indian depredations.

Mr. Donaldson gave notice that on to-morrow or some future day, he would introduce a memorial to Congress to establish a military road from Fort Ridgely, Minnesota, to Fort Randall, Dakota Territory.

Mr. Puett gave notice that he would on a future day of the session introduce a joint resolution, relative to the war policy of the administration of Abraham Lincoln.

Mr. Bothun introduced
H. F. No. 20,
An act to provide for the recovery of lost money and goods which was
Read a first time.

Mr. Puett introduced
H. F. No. 21,
A bill for an act for the establishment of Clay county, which was
Read a first time, and the
Rules being suspended,
Read a second time, and
Referred to the committee on Counties.

Mr. Harlan introduced,

H. F. No. 22,

A bill dividing the Territory of Dakota into Council and Representative districts, apportioning the Councilmen and Representatives thereof also fixing the qualifications of members of the Legislature, and

H. F. No. 23,

A joint resolution and memorial to Congress, asking for an increase of pay of common soldiers, which were

Read a first time.

C. B. No. 2,

An act providing bounties for wolf scalps;

Reported back with amendments, was

Taken up, and

Amendments concurred in, and

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 11, noes 3, as follows:

In the affirmative,

Messrs. Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Pease, Puett, Wallace, Waldron and the Speaker.

In the negative,

Messrs. Bothun, Jacobson and Larson.

So the bill passed and its

Title agreed to.

C. B. No. 17,

A bill for an act, granting a ferry charter across the Missouri river, at a point nearly opposite Ponca, Nebraska Territory, was

Read a third time, and

Put upon its final passage,

The vote resulting as follows:

Yeas 13, noes 1.

Those voting in the affirmative were

Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and the Speaker.

Mr. Buckman voted in the negative.

So the bill passed and its
Title agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 27th, 1862.

MR. SPEAKER:

The Council have passed,

F. . ,

A memorial and joint resolution relative to making Fort Randall a distributing post, also;

H. F. No. 12,

An act to change the name of Torbjorn W. Torrison.

The council have also passed the following council bills:

C. B. No. 40,

A memorial to the Congress of the United States in relation to compensation for losses by Indian depredations, also;

C. B. No. 35,

A bill for an act entitled, an act for removal from office; also,

C. B. No. 43,

A bill for an act concerning the construction of statutes; also,

C. B. No. 33,

A bill for an act regulating search warrants and proceedings thereon.

The concurrence of the house is respectfully requested.

JAMES TUFTS.
*Secretary.*

C. B. No. 19,

An act to authorize F. Chapel and J. S. Presho, to establish and run a ferry across the Missouri river at Yankton, was

Taken up for consideration.

Mr. Harlan moved that the bill be re-committed to a select committee of three, which

Motion prevailed.

The chair appointed as such committee,
Messrs. Harlan, Donaldson and Larson.

C. B. No. 22,
An act to designate certain Holidays, &c., was
Read a third time, and
Put upon its final passage,
The vote resulting as follows:
Yeas 13, noes 1.

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Waldron and Mr. Speaker.

Mr. Wallace voted in the negative.

So the bill passed.

On motion of Mr. Waldron the
Title was amended, by striking out the words, "and so forth," and then
Agreed to.

C. B. No. 10,
An act prescribing the general duties of the Territorial auditor, was
Read a third time, and
The vote being taken upon its final passage, resulted as follows:
Yeas 13, noes 1,

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and the Speaker.
Mr. Harlan voted in the negative.

So the bill passed, and its
Title agreed to.

C. B. No. 23,
An act for the protection of the owners of saw logs in this Territory, was

Read a third time, and
The vote being taken upon its final passage, there were
Yeas 14, noes 0.

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and Mr. Speaker.

So the bill passed, and its
Title agreed to.

C. B. No. 24,
An act to secure the free passage of logs and lumber down the several rivers of this territory, was
Read a third time, and
Put upon its final passage,

The vote resulting as follows:

Yeas 12, noes 2.

Those who voted in the affirmative, were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford Johnson, Jacobson, Larson, Pease, Puett, Wallace and the Speaker.

Those voting in the negative, were
Messrs. Harlan and Waldron.

So the bill passed, and its
Title agreed to.

C. B. No. 7,
An act to encourage and regulate the drainage of lands, was
Taken up for consideration.

On motion of Mr. Harlan, the
Further consideration of the bill was postponed until Wednesday afternoon next at a quarter past two o'clock.

H. F. No. 16,
A bill to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, was
Read a second time, and
Referred to the committee on Judiciary.

H. F. No. 17,

An act to amend an act, entitled an act to establish Cole county was

Read a second time, and

Referred to the committee on Towns and Counties.

H. F. No. 19,

An act concerning debtors and their sureties, was

Read a second time, and

Referred to committee on Federal Relations.

H. F. No. 6,

A memorial and joint resolution praying Congress to amend section two of the act providing for a temporary government of the Territory of Dakota, was

Read a third time, and

The vote being had upon its final passage, resulted as follows:

Yeas 14, and noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

So the bill passed, and its

Title agreed to.

H. F. No. 13,

An act to change the name of Nels W. Wekengson, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 14, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and the Speaker.

So the bill was passed, and its

Title agreed to.

H. F. No. 15,
An act relating to settlers on the public lands, was
Read a third time, and
Put upon its final passage,

The vote resulting as follows:

Yeas 14, noes 0.

Those voting in the affirmative, were
Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and the Speaker.

So the bill was passed, and its
Title agreed to.

Mr. Puett in the chair.

Mr. Armstrong moved to take up from the table, the resolution offered by Mr. Puett, to expunge the report of the select committee on Credentials.

The yeas and noes being demanded and ordered on the adoption of the motion, resulted as follows:

Yeas 10, noes 4.

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett and the Speaker.

Those who voted in the negative, were

Messrs. Donaldson, Harlan, Wallace and Waldron.

So the motion prevailed.

Mr. Waldron moved to make it the special order of the day to-morrow morning at half past 10 o'clock, which motion, was

Lost.

Mr. Waldron moved to adjourn until to-morrow morning at 10 o'clock, and

Called for the yeas and noes on the motion, which being ordered, there were

Yeas 7, noes 7.

Those voting affirmatively, were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Wallace and Waldron.

Those voting in the negative, were

Messrs. Bothun, Frisbie, Jacobson, Larson, Pease, Puett and the Speaker.

So the motion did not prevail.

Mr. Armstrong offered an amendment to the resolution, relating to the portion of the report of the committee on Elections, relative to the 7th and 8th Representative districts, which was accidentally copied into the Journal.

Pending which,

On motion of Mr. Harlan, the

House adjourned at half past 4 o'clock, until to-morrow morning at 10 o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

---

## TWENTY-SEVENTH DAY.

Saturday, December 27, 1862.

House met pursuant to adjournment, at ten o'clock A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Johnson, Jacobson, Larson, Puett, Wallace, Waldron, and Mr. Speaker.

Absent—Messrs. Harlan, and Pease.

The following communication was received from the council:

COUNCIL CHAMBER,
December 27, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 42,

A bill for an act to dissolve the marriage contract between Matilda Irwin, and John A. Irwin.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

The Journal of yesterday was read and approved.

The following report was presented:

MR. SPEAKER:

Your committee, to whom was referred

C. B. No. 11, entitled,

An act incorporating the Racine Ameni transportation and mining company,

Have had the same under consideration, and report the same back without amendment, and recommend its passage.

H. S. DONALDSON,
K. LARSON,
R. M. JOHNSON,
*Committee.*

Report adopted.

The committee on Agriculture presented the following report:

MR. SPEAKER:

The committee on agriculture, to whom was refered

H. F. No 9,

Have had the same under consideration. Have made one amendment thereto, which they have directed me to report to

the house for their adoption, and when the bill shall be so amended, they recommend its passage.

W. FRISBIE, Ch'n.

The report and amendment were adopted.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred

H. F. No 21,

An act for the establishment of Clay county, in the Territory of Dakota,

Have had the same under consideration, and report it back without amendment, and recommend its passage.

J. A. JACOBSON.
N. J. WALLACE,
R. M. JOHNSON.
*Committee.*

Report adopted.

The committee on Enrolled Bills, reported that they have examined

H. F. Nos. 5, and 12, and

Report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report adopted.

Mr. Wallace gave notice that on to-morrow, or some future day of the session, he would introduce a memorial to Congress, for the establishment of a mail route from Mankato, in Minnesota, to Fort Randall, in Dakota Territory.

Mr. Buckman gave notice that on Monday next, he would introduce a bill entitled an act concerning aliens.

Mr. Johnson gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill for an act to prevent the commission of waste upon encumbered real estate.

Also, a bill for an act relating to actions for alleged illegal seizures of personal property under attachment, or upon execution.

Also, a bill for an act to punish willful or malicious trespass by imprisonment.

Mr. Harlan gave notice that on to-morrow, or some future day, he would introduce a bill granting a ferry charter to H. S. Kelly, on the Vermillion river, in Clay county.

Mr. Donaldson introduced,
H. F. No. 24,
A memorial to establish a military road from Fort Ridgely in Minnesota, to Fort Randall, in Dakota Territory, which was
Read a first time.

Mr. Bothun introduced,
H. F. No. 25,
A memorial to the Congress of the United States in relation to compensation for losses by Indian depredations, which was
Read a first time, and
Rules being suspended,
Read a second time, and
Referred to the committee on Indian Affairs.

C. B. No. 42,
An act to dissolve the marriage contract between Matilda Irwin and John A. Irwin, was
Read a first time, and
Rules being suspended,
Read a second time, and
Referred to the committee on Judiciary.

C. B. No. 33,
An act regulating search warrants was
Read a first time.

C. B. No. 43,
An act concerning the construction of statutes, was
Read a first time.

C. B. No. 40,
A memorial to the Congress of the United States in relation

to compensation for losses by Indian depredations, was
Read a first time, and
Rules suspended, and
Read a second time, and
Referred to the committee on Indian Affairs.

C. B. No. 35,
A bill for an act entitled an act for removal from office, was
Read a first time, and
Rules suspended, was
Read a second time, and
Referred to committee on Judiciary.

C. B. No. 11,
An act incorporating the Racine Ameni transportation and mining company, was
Taken up for consideration.

Mr. Waldron moved that the bill be recommitted to the committee on Incorporations, which
Motion did not prevail.

On motion of Mr. Harlan, it was
Referred to a select committee of three.

The chair appointed Messrs. Waldron, Puett, and Johnson, as such committee.

H. F. No. 20,
An act to provide for the recovery of lost money and goods, was
Read a second time, and
Referred to the committee on Judiciary.

H. F. No. 21,
A bill for an act for the establishment of Clay county, was
Read a third time, and
The vote being taken upon its final passage, there were

Yeas 14, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and Mr. Speaker.

So the bill passed, and its
Title agreed to.

H. F. No. 9,
An act prohibiting the sale of spirituous liquors on the Sabbath, was
Taken up, and
Ordered to be engrossed for its third reading on next Monday.

Mr. Donaldson in the chair.

Mr. Armstrong moved that the resolution relative to the report of the committee on Credentials, and which was under consideration at the time of yesterday's adjournment, be taken up, which

Motion prevailed.

Mr. Armstrong offered the following as a substitute for the resolution :

WHEREAS, On the the fourth day of the present session, Mr. M. K. Armstrong and H. S. Donaldson, of the committee on Credentials, under the temporary organization, submitted to this house, a majority report relative to the contested seat of members from Cole county.

And whereas, there was another partially prepared report, touching the contested cases in Bon Homme and Charles Mix counties, which was not, at that time, signed, read, or submitted to the house. And whereas, the said incomplete and unsubmitted portion was, by some misunderstanding of duty, copied by the clerk (B. M. Smith) at length and entire, into the journal of the house : Therefore be it

*Resolved*, That so much of what purports to be said report, now on the journal, relating to the 7th and 8th representative district, be and the same is hereby ordered erased and expunged from the journal and record of the house book of the assembly, and is considered no portion of the proceedings of this body.

On motion of Mr. Puett, the
Substitute resolution was adopted.

The following communication was received from the council:

COUNCIL CHAMBER,
December 27, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 38,

A bill for an act to authorize and regulate the adoption of children; also,

C. B. No. 44,

A bill for an act regulating the disposal of property stolen or embezzled.

The concurrence of the house is respectfully requested.

The council have concurred in house amendments to council bills Nos. 1 and 2.

JAMES TUFTS,
*Secretary.*

On motion of Mr. Buckman, the

House adjourned at 12 o'clock M. until 10 o'clock, on Monday morning next.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## TWENTY-NINTH DAY.

Monday, December 29, 1862.

House met pursuant to adjournment at ten o'clock A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

Absent—Mr. Buckman.

Mr. Donaldson presented the following report:

MR. SPEAKER:

Your committee to whom was referred

C. B. No. 21, entitled,

An act regulating the hours of manual labor,

Have had the same under consideration and report the same back without amendment and recommend its passage.

H. S. DONALDSON,
J. A. JACOBSON,
N. J. WALLACE,
*Committee.*

Report adopted.

Mr. Wallace presented the following report:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 25,

A memorial to the Congress of the United States in relation to compensation for losses by Indian depredations,

Beg leave to report the same back with the accompanying amendments, and recommend its passage.

1st. Strike out in the title the words "Congress of the United States," and insert in lieu thereof the words "the Hon. W. P. Dole, Commissioner of Indian Affairs."

2d. Strike out all after the title and insert the following:

*To the Honorable W. P. Dole, Commisioner of Indian Affairs:—*

Your memorialists, the legislative assembly of the territory of Dakota, would most respectfully represent that, during the past season, large amounts of property have been stolen and destroyed by the Dakota or Sioux Indians of Minnesota, in different parts of this territory. That, on the twenty-fifth day of August last, the town of Sioux Falls was attacked by a party of Sissiton Indians, two of the citizens were murdered, and the rest were driven from the place. Immediately after the escape of the settlers, the town was burned, and all the

improvements, crops and other property belonging to said settlers, were burned and destroyed—leaving the settlers in an utterly destitute condition, saving only the few articles of clothing, and necessaries, that they were able to take with them in their flight.

And your memorialists would further represent, that the inhabitants of Clay Creek, in Clay county, in this territory, were, by the same Indians, plundered and robbed of a large amount of property.

They therefore pray that such action may be taken by the department, as shall ensure to said settlers, out of the annuities of said Indians, full remuneration for all losses which they may prove to the department that they have suffered from said Indians.

N. J. WALLACE,
GEO. P. WALDRON,
*Committee.*

On motion, the

Report was laid on the table until half-past ten o'clock to-morrow morning.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 9,

Have examined the same, and report the same as correctly engrossed.

N. J. WALLACE,
J. A. JACOBSON,
*Committee.*

Report adopted.

The following select committee report was submitted:

MR. SPEAKER:

The select committee to whom was referred

C. B. No. 19,

Have had the same under consideration and made two amendments thereto, which they have directed me to report to the

house for their adoption, and when the bill is so amended they recommend its passage:

Amend C. B. No. 19, by adding the following additional section:

Sec. 7. The legislature hereby reserves to itself the right to alter, change, modify, or repeal at pleasure the said charter, and all rights, privileges and immunities by this act granted to said Chapel and Presho, their heirs, executors, administrators, and assigns thereof.

Number the last section 8, instead of 7.

A. J. HARLAN, Ch'n.

Report and amendments were adopted.

The following select committee report was received:

MR. SPEAKER:

The select committee to whom was referred

H. F. No. 4, entitled,

An act extending the boundaries of Cole county,

Have had the same under consideration and have directed me to report the same back to the house and recommend that it be indefinitely postponed.

A. J. HARLAN,
GEO. P. WALDRON,
*Committee.*

The report was adopted.

Mr. Wallace gave notice that on to-morrow, or some future day of the session, he would introduce a bill for an act entitled an act for the regulation and support of common schools.

Mr. Pease gave notice of his intention to introduce, on some future day, a bill granting to Ellis W. Wall a ferry charter across the Missouri river, opposite the Yankton agency.

Also, a memorial for a wagon road from Fort Randall to the three forks of the Missouri river, in Dakota Territory.

Mr. Puett introduced

H. F. No. 26,

Joint resolution indorsing the administration of Abraham Lincoln, which was

Read a first time.

Mr. Buckman introduced
H. F. No. 27,
An act concerning aliens, which was
Read a first time.

Mr. Wallace introduced
H. F. No. 28,
A memorial to Congress for the establishment of a mail route from Mankato, in Minnesota, which was
Read a first time.

Mr. Gifford introduced
H. F. No. 29,
An act to regulate enclosures and partition fences, and

H. F. No. 30,
An act to regulate the setting of prairie fires, which were
Read a first and second times, and
Referred to the committee on Agriculture.

Mr. Johnson introduced
H. F. No. 31,
A memorial to the Secretary of the Interior and Commissioner of Indian Affairs, for the appointment of a special agent to adjust the claims of citizens of Dakota Territory who have sustained losses by Indian depredations, which was
Read a first and second time, and
Referred to committee on Indian Affairs.

Mr. Johnson introduced
H. F. No. 32,
An act to punish willful or malicious trespass by imprisonment; also,

H. F. No. 33,
An act to prevent the commission of waste upon incumbered real estate; and

H. F. No. 34,
An act relative to action for alleged illegal seizures of personal property under attachment or upon execution, which were

Read a first and second time, and

Referred to the committee on Judiciary.

Mr. Puett introduced

H. F. No. 35,

An act to provide for the registration of the legal voters of the Territory, which was

Read a first and second time, and

Referred to the committee on Elections.

Mr. Frisbie offered the following resolution:

*Resolved*, That all bills, memorials, joint resolutions, or house files now in the hands of standing or select committees; also, all bills, memorials, joint resolutions, or house files that shall be hereafter received by said committees, that the above named committees shall report on the same within two days from and after receiving said bills, memorials, joint resolutions or house files unless longer time be granted by this house.

Mr. Donaldson moved that the resolution be indefinitely postponed, and

Called for the yeas and noes on his motion, which

Being ordered, resulted as follows:

Yeas 9, noes 5.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Puett, Wallace, Waldron, and Mr. Speaker.

Those who voted in the negative were

Messrs. Bothun, Frisbie, Jacobson, Larson, and Pease.

So the resolution was not adopted.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 7,

A memorial relative to the public surveys in Dakota Territory,

Have had the same under consideration and report the same back and recommend its indefinite postponement.

R. M. JOHNSON,
W. W. FRISBIE,
F. D. PEASE,
*Committee.*

The yeas and noes being called for and ordered on the adoption of the report, there were

Yeas 7, noes 7.

Those voting in the affirmative were

Messrs. Bothun, Frisbie, Gifford, Johnson, Larson, Pease, and Puett.

Those voting in the negative were

Messrs. Buckman, Donaldson, Harlan, Jacobson, Wallace, Waldron, and the Speaker.

So the report was not adopted.

On motion of Mr. Donaldson,
H. F. No. 7, was
Recommitted to a select committee of three.

Messrs. Donaldson, Pease, and Wallace, were appointed such committee.

Mr. Puett made the following report:

MR. SPEAKER:

Your committee on Enrollment, have examined
C. B. No. 6,
And report the same as correctly enrolled.

A. W. PUETT, Ch'n.

Report adopted.

On motion of Mr. Donaldson, the
House adjourned until two o'clock P. M.

---

AFTERNOON SESSION.

2 O'CLOCK P. M.

House met pursuant to adjournment at two o'clock.

The speaker in the chair.

Roll called.

Present—Messrs. Bothun, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron, and the Speaker.

The following report was received:

MR. SPEAKER:

Your committee on Judiciary to whom was referred
H. F. No. 10, and
C. B. Nos. 15, and 28,
Have examined the same and have directed me to report the same back to the house without amendment and recommend their passage.

The committee have also directed me to report
C. B. No. 31, and
H. F. Nos. 11 and 16,
Back to the house with attached amendments, and recommend their passage.

I am also directed to report
C. B. No. 8,
An act for the partition of real property,
Back to the house and recommend the indefinite postponement of the same.

All of which is respectfully submitted,

A. W. PUETT, Ch'n.

The report was adopted.

C. B. No. 38,
An act to authorize the adoption of children, was
Read a first and second time, and
Referred to the committee on Agriculture.

C. B. No. 44,
An act regulating the disposal of property stolen or embezzled, was
Read a first and second time, and
Referred to the committee on Judiciary.

C. B. No. 33,
An act regulating search warrants and proceedings thereon, was
Read a second time, and

Referred to committee on Judiciary.

C. B. No. 43,
An act concerning the constructions of statutes, was
Read a second time, and
Referred to the committee on Judiciary.

C. B. No. 21,
An act regulating the hours of manual labor, was
Read a third time, and

The vote being had on the final passage of the bill, there were,

Yeas 8, noes 6.

Those voting in the affirmative, were

Messrs. Bothun, Frisbie, Johnson, Jacobson, Larson, Pease, Puett, and Mr. Speaker.

Those who voted in the negative were

Messrs. Buckman, Donaldson, Gifford, Harlan, Wallace, and Waldron.

So the bill passed, and its
Title agreed to.

C. B. No. 28,
An act to provide for the taking up of water craft found adrift, lost goods, and for other purposes, was
Read a third time, and

The vote being taken upon its final passage, there were

Yeas 13, noes 1,

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

Mr. Donaldson voted in the negative.

So the bill was passed, and its
Title agreed to.

C. B. No. 31,

An act changing the time of holding United States district courts in the several districts of the Territory of Dakota, was

Taken up, and

On motion, was

Recommitted to the committee on Judiciary.

C. B. No. 19,

An act to authorize F. Chapel and J. S. Presho, to establish and run a ferry across the Missouri river at Yankton, was

Read a third time, and

The vote being taken upon its final passage, resulted as follows:

Yeas 14, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the bill passed, and its

Title agreed to.

C. B. No. 15,

A memorial for a military post on the Big Sioux river, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 14, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the memorial passed, and its

Title agreed to.

H. F. No. 18,

An act for the punishment of offences against property, was

Read a second time, and

Referred to the committee on Judiciary.

H. F. No. 23,

Joint resolution and memorial to Congress asking for an increase of pay of common soldiers, was

Read a second time, and

Referred to the committee on Military Affairs.

H. F. No. 9,

An act prohibiting the sale of spirituous liquors on the Sabbath, was

Read a third time, and

The vote being taken upon its final passage, resulted as follows:

Yeas 13, noes 1.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Waldron, and the Speaker.

Mr. Wallace voted in the negative.

So the bill passed, and its

Title agreed to.

H. F. No. 16,

A bill to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, was

Taken up for consideration.

The amendments reported by the committee were concurred in, and

The bill was ordered to be engrossed for its third reading to-morrow.

H. F. No. 10,

An act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf, was

Taken up, and

On motion,

Recommitted to a select committee of three, consisting of Messrs. Donaldson, Johnson, and Gifford.

H. F. No. 11,

An act to amend an act entitled an act "to designate the time of holding the general elections, and provide for the election of delegate to Congress," was

Taken up for consideration, and

Amendments reported by committee were concurred in, and

Bill ordered to be engrossed for its third reading to-morrow.

Mr. Waldron, chairman of the committee on Federal Relations, made the following report:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 19,

Have had the same under consideration and have instructed me to report the same back and recommend its indefinite postponement; also,

Your committee to whom was referred

C. B. No. 25,

Have had the same under consideration and report as follows:

Your committee are unable to see the utility of the resolution and therefore make no recommendation.

GEO. P. WALDRON,
A. W. PUETT,
L. BOTHUN,
*Committee.*

The report was adopted.

C. B. No. 25,

Joint resolution relative to a geological report, was

Read a third time, and

Put upon its final passage,

The vote resulting as follows:

Yeas 5, noes 9,

Those voting in the affirmative were

Messrs. Bothun, Buckman, Frisbie, Pease, and Puett.

Those voting in the negative were

Messrs. Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Wallace, Waldron, and the Speaker.

So the bill did not pass.

On motion of Mr. Puett, the

Special order of the day was postponed until to-morrow morning at half-past 10 o'clock.

On motion of Mr. Harlan, the

House adjourned until 10 o'clock to-morrow morning.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## THIRTIETH DAY.

Tuesday, December, 30, 1862.

House met pursuant to adjournment at 10 o'clock A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett, Wallace and Mr. Speaker.

The journal of yesterday was read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 30th, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 45,

A bill for an act to provide for contested elections; also,

H. F. No. 6,

A memorial and joint resolution praying Congress to amend

section two of the act providing for a temporary government for the Territory of Dakota,

With appended amendments.

The concurrence of the house is respectfully requested.

The council have also passed

H. F. No, 3,

A bill for an act conferring the rights of citizenship upon Walter Arcon; also,

H F. No. 13,

A bill for an act to change the name of Nels W. Wekengson.

And I herewith return the same.

I have to inform the house, that the council have ordered printed two hundred copies of the report of special committee on Indian Affairs.

JAMES TUFTS.
*Secretary.*

Mr. Puett, chairman of the committee on Judiciary, presented the following report:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred

C. B. No 43; also,

H. F. No. 23,

Have examined the same, and have directed me to report the same back to the house without amendment, and recommend their passage.

Report was adopted.

Mr. Donaldson submitted the following report:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 14,

Have had the same under consideration—report the same back without recommendation.

H. S. DONALDSON,
J. A. JACOBSON,
N. J. WALLACE,
*Committee.*

Report adopted.

Mr. Wallace made the following report:

MR. SPEAKER:

Your committee to whom was referred
H. F. Nos. 11, and 16,
Beg leave to report the same back as correctly engrossed.

N. J. WALLACE,
J. A. JACOBSON.
*Committee.*

Report adopted.

Mr. Puett gave notice that on to-morrow, or some future day, he would introduce a memorial to Congress, asking an appropriation of public lands, for the endowment of a Territorial University in Dakota.

The following report was submitted:

MR. SPEAKER:

Your committee on Enrollment have examined
C. B. Nos. 1, 2, 22. 23, 24, and 10, and
Report the same as correctly enrolled

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report adopted.

Mr. Wallace introduced
H. F. No. 36,
An act supplementary to an act entitled "an act for the regulation and support of common schools," which was
Read a first and second time, and
Referred to the committee on Education.

Mr. Donaldson introduced
H. F. No. 37,
A memorial to the Congress of the United States, relative to the building of a Fort in the valley of the Red river, which was
Read a first and second time, and

Ordered to be engrossed for its third reading to-morrow.

The following communication was received from the council:

COUNCIL CHAMBER,
December 30, 1862.

MR. SPEAKER:

The council have passed

C. B. No. 30,

A bill for an act defining the courts and jurisdiction of justices of the peace.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

Mr. Pease introduced

H. F. No. 38,

An act granting to Ellis Wall a ferry charter across the Missouri river, which was

Read a first and second time, and

Rules being suspended, was

Read a third time, and

Put upon its final passage,

The vote resulted as follows:

Yeas 14, noes 0,

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

So the bill passed, and its
Title agreed to.

Mr. Frisbie introduced, by permission,

H. F. No. 39,

A memorial to the Postmaster General, which was

Read a first and second time.

Mr. Donaldson moved that it be referred to the committee on Federal Relations, which

Motion did not prevail.

On motion of Mr. Waldron, the

Memorial was ordered to be engrossed for its third reading to-morrow.

Mr. Harlan introduced

H. F. No. 40,

An act granting a ferry charter to H. S. Kelly across the Vermillion river, in Clay county, which was

Read a first and second time, and

Referred to the committee on Engrossed Bills.

SPECIAL ORDER OF THE DAY.

The consideration of

C. B. No. 14,

An act to authorize the formation of the mining, manufacturing, and banking company of North America; and,

H. F. No. 25,

A memorial to the Congress of the United States, in relation to compensation for losses by Indian depredations.

On motion of Mr. Puett,

C. B. No. 14, was first

Taken up.

Mr. Wallace moved that it be indefinitely postponed.

Mr. Johnson moved a call of the house, which

Being ordered,

The following members answered to their names:

Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

On motion of Mr. Puett,

Further proceedings under the call were dispensed with.

Mr. Wallace called for the yeas and noes on his motion for indefinite postponement, which being ordered resulted as follows:

Yeas 4, noes 10.

Those voting in the affirmative were

Messrs. Donaldson, Harlan, Wallace, and Waldron.

Those voting in the negative were

Messrs. Bothun, Buckman, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett, and Mr. Speaker.

So the motion did not prevail.

On motion of Mr. Waldron, the

House resolved itself into a committee of the Whole, for the purpose of considering

C. B. No. 14.

Mr. Waldron in the chair.

After some time spent therein, the committee arose, and through their chairman made the following report:

MR. SPEAKER:

The committee of the Whole, to whom was referred

C. B. No 14,

And amendments offered thereto by the minority of the committee,

Have had the same under consideration, and ask leave to sit again.

GEO. P. WALDRON, Ch'n.

The report was adopted.

Mr. Wallace moved that the house adjourn until two and a half o'clock, P. M.

Mr. Puett moved to amend by substituting ten o'clock tomorrow morning, which

Motion did not prevail.

The question recurring on Mr. Wallace's motion, it

Prevailed, and

The house adjourned until half past two o'clock this afternoon.

---

AFTERNOON SESSION.

House met pursuant to adjournment, and was

Called to order by the speaker.

Roll called.

Present—Messrs. Bothun, Donaldson, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

Mr. Puett moved to adjourn until ten o'clock to-morrow morning, which

Motion did not prevail.

Mr. Waldron moved a call of the house, which

Being ordered,

The following members answered to their names.

Messrs. Bothun, Donaldson, Frisbie, Gifford, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

Absent—Messrs. Buckman, and Harlan.

The chair directed the sergeant-at-arms to bring the absentees forthwith to the house.

Mr. Puett moved that further proceedings under the call be dispensed with, which

Motion did not prevail.

Mr. Donaldson moved that further proceedings under call be dispensed with, which

Motion did prevail.

On motion of Mr. Donaldson, the

House adjourned until ten o'clock to-morrow morning.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## THIRTY-FIRST DAY.

Wednesday, December 31, 1862.

House met pursuant to adjournment at 10 o'clock A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and the Speaker.

Journal of yesterday was read and approved.

Mr. Puett from committee on Enrollment presented the following report:

MR. SPEAKER:

Your committee on Enrollment have examined,

H. F. No. 8,

A memorial to Brigadier General Cook, and

Report the same as correctly enrolled.

A. W. PUETT, Ch'n.

Report adopted.

Mr. Buckman submitted the following majority report from committee on Elections:

MR. SPEAKER:

Your committee on elections, to whom was referred the contested case of Messrs. Somers and Frisbie from the first representative district, have had the same under consideration, and beg leave to report.

That Mr. Somers and Mr. Frisbie were opposing candidates for the office of representative in said district.

That there were three election precincts in said districts or county, to-wit:—Big Sioux, Elk Point and Brule Creek.

That, at Big Sioux precinct Mr. Somers received for the office of representative twenty-two (22) votes, and Mr. Frisbie received five (5) votes, at Elk Point precinct Mr. Somers received twenty-four (24) votes and Mr. Frisbie received four (4) votes

Making for Mr. Somers at the two precincts forty-six (46) votes and for Mr. Frisbie nine votes.

Your committee have had before them a voluminous amount

of testimony in regard to the election at the Brule Creek precinct: very much of this testimony is of such a contradictory character that your commmittee are embarrassed in arriving at a safe and just conclusion.

They can therefore simply submit their own common sense view of the case.

And it is the opinion of your committee, from all the evidence before them, that there were not more than thirty legal votes polled in the Brule Creek precinct, for the office of representative.

It is the opinion of your committee that the votes polled at Big Sioux and Elk Point precincts, were strictly legal, and even allowing the entire legal vote cast at Brule Creek to have been in favor of Mr. Frisbie he could not have received a majority of the votes of said district or said county of Cole.

It is therefore the opinion of your committee, that the contestant, M. H. Somers, received a majority of the legal votes of said district or county of Cole.

Therefore be it

*Resolved*, that Wm. Frisbie who now holds a seat on the floor of this house as a member from the first representative district, is not entitled to the same.

And be it further

*Resolved*, that M H. Somers is entitled to a seat on the floor of this house as respresentative from the first respresentative district, and that he be and hereby is admitted to the same.

J. Y. BUCKMAN, Ch'n,
A. J HARLAN.

Mr. Donaldson moved the adoption of the report.

Mr. Wallace called for the ayes and noes on the adoption of the report.

Ayes and noes being ordered, resulted as follows:

Ayes 8, noes 5.

Those voting in the affirmative, were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Wallace, Waldron, and the Speaker.

Those voting in the negative, were

Messrs. Bothun, Jacobson, Larson, Pease and Puett.

So the report was adopted.

On motion of Mr. Wallace,

Mr. Puett was granted leave to submit a minority report at some future day.

Mr. Somers came forward and was duly sworn by the Speaker.

Mr. Waldron submitted the following report:

MR. SPEAKER:

The special committee to whom was referred,

C. B. No. 11,

Have had the same under consideration, and beg leave to report it back with the accompanying amendments.

Amend by adding the following at the end of section eight;

The legislative assembly, hereby reserve the right to alter, amend or repeal this act, or any part thereof at pleasure.

G. P. WALDRON,
A. W. PUETT,
R. M. JOHNSON.
*Committee.*

The report and amendments were adopted.

The following report was submitted:

MR. SPEAKER:

Your committee on Enrollment, have examined,

Council Bills Nos. 17, 21, 15, 19 and 28; and

Report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD.
*Committee.*

The report was adopted.

The following report was submitted:

MR. SPEAKER:

Your select committee to whom was referred,

H. F. No. 7,

A memorial relative to the public surveys in Dakota Territory,

Report the same back and recommend its indefinite postponement.

H. S. DONALDSON,
F. D. PEASE.
*Committee.*

Report adopted.

Mr. Puett gave notice that on to-morrow or some future day of the session he would introduce a bill for an act, to incorporate the university of Dakota.

Mr. Wallace introduced,

H. F. No. 41,

An act to preserve the purity of election, and prevent ballot box stuffing, which was

Read a first and second time, and

Referred to the committee on Elections.

Mr. Puett introduced,

H. F. No. 42,

A memorial to Congress asking an appropriation of lands for the university of Dakota, which was

Read a first and second time, and

Referred to the committee on Public Lands.

The following report was submitted:

MR. SPEAKER:

Your committee on Judiciary, to whom was recommitted,

C. B. No. 31,

An act in relation to holding United States courts in this Territory,

Have had the same under consideration, and have directed me to report the same back to the house, with accompanying amendments, and recommend its passage.

A. W. PUETT, Ch'n.

The report and amendments were adopted.

The bill (C. B. No. 31,) was
On motion,
Ordered to be engrossed for its third reading, on Friday next.

C. B. No. 30,
An act defining the courts, and jurisdiction of justices of the peace, was
Read a first and second time, and
Referred to the committee on Judiciary.

C. B. No. 45,
An act to provide for contested elections, was
Read a first and second time, and
Referred to the committee on Elections.

The time having arrived for the consideration of the special order of the day,
C. B. No. 14,
An act to authorize the formation of the mining, manufacturing and banking company of North America, it was
Taken up.

On motion of Mr. Puett, the
House resolved itself into a committee of the Whole for the consideration of the bill.

Mr. Waldron in the chair.

After some time spent therein, the committee arose, and through their chairman, made the following report:

MR. SPEAKER:
The committee of the Whole to whom, was referred,
Council bill No. 14,
Have had the same under consideration, and have directed me to report the same back, with the attached amendments.
G. P. WALDRON, Ch'n.

The consideration of the report was temporarily postponed.

C. B. No. 11,

An act incorporating the Racine, Ameni manufacturing and mining company, was

Read a third time, and

Put upon its final passage.

The vote being had, resulted as follows :

Yeas 14, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron and Mr. Speaker.

So the bill passed, and its

Title agreed to.

C. B. No. 31,

An act changing the time of holding U. S. District Courts, in the several districts of the Territory of Dakota, was

Read a third time, and

The vote being taken upon the final passage of the bill, resulted as follows.:

Yeas 14, noes 0.

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson Pease, Puett. Somers, Wallace, Waldron and Mr. Speaker.

So the bill passed, and its

Title agreed to.

C. B. No. 43,

An act concerning the construction of statutes, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 14, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett. Somers, Wallace, Waldron and the Speaker.

So the bill passed, and its
Title agreed to.

H. F. No 22,
A bill dividing the territory of Dakota into council and representative districts, apportioning the councilmen and representatives therein, also fixing the qualifications of members of the legislature, was
Read a second time, and
Referred to the committee on Elections.

H. F. No. 24,
A memorial to establish a military road from Fort Ridgley in Minnesota, to Fort Randall in Dakota Territory, was
Read a second time, and
Referred to the committee on Federal Relations.

H. F. No. 26,
Joint resolution endorsing the administration of Abraham Lincoln, was
Read a second time, and
Referred to the committee on Federal Relations.

The following communication was received from the council:

COUNCIL CHAMBER,
December 31, 1862.

MR. SPEAKER:

The council have passed,
C. B. No. 52,
A bill for an act defining the council and representive districts in Dakota Teraitory and apportioning the representation thereof; also,

C. B. No. 59,
A memorial to Congress for an appropriation for capital buildings; also,

C. B. No. 63,
A bill for an act locating the county seat of Clay county, Dakota Territory.

The concurrence of the house is respectfully requested.

The council have also passed,

H. F. No. 21,

A bill for an act for the establishment of Clay county in the Territory of Dakota.

The council have rejected,

H. F. No. 9,

A bill for an act prohibiting the sale of spiritous liquors on Sunday.

And I herewith return the same.

JAMES TUFTS,
*Secretary.*

H. F. No. 27,

An act concerning aliens, was

Read a second time, and

Referred to the committee on Judiciary.

H. F. No. 28,

A memorial to Congress for the establishment of a mail route from Mankato, was

Read a second time, and

Referred to the committee on Federal Relations.

H. F. No. 11,

An act to amend an act, entitled an act, to designate the time of holding the general election, and provide for the election of delegate to Congress, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 5, noes 9,

Those voting in the affirmative were

Messrs. Bothun, Jacobson, Larson, Pease, and Puett.

Those voting in the negative were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Somers, Wallace, Waldron, and the Speaker.

So the bill did not pass.

H. F. No. 16,

A bill to provide against the recovery of damages, done by

beasts on lands which are not enclosed by a lawful fence, was

Read a third time, and

Put upon its final passage.

The vote being taken resulted as follows:

Yeas 9, noes 5.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Harlan, Johnson, Jacobson, Larson, Puett, Waldron and the Speaker.

Those voting in the negative were

Messrs. Donaldson, Gifford, Pease, Somers and Wallace.

So the bill passed, and its
Title agreed to.

H. F. No. 23,

Joint resolution and memorial to Congress asking for an increase of pay of common soldiers, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 13, noes 1,

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Somers, Puett, Waldron, and the Speaker.

Mr. Wallace voted in the negative.

So the joint resolution and memorial passed, and its
Title agreed to.

H. F. No. 14,

An act to exempt certain lands and improvements on the same from taxation, and to encourage the growth of timber, was

Taken up for consideration, and

On motion, was

Recommitted to a select committee of three.

The chair appointed as such committee,

Messrs. Somers, Gifford and Waldron.

The report of the committee of the Whole was taken up for adoption.

Mr. Waldron offered an amendment to the amendments contained in the report, which was

Adopted.

The amendments were then adopted, by the following vote.

Yeas 9, noes 5.

Those voting in the affirmative on the adoption of the report were

Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Waldron and the Speaker.

Those voting in the negative, were

Messrs. Donaldson, Pease, Somers, Puett and Wallace.

So the report and amendments were adopted.

C. B No. 14.

An act to authorize the formation of the mining manufacturing and banking company of North America, was

Read a third time, and

The vote being taken upon its final passage, as amended, resulted as follows:

Yeas 9, noes 5.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Gifford, Johnson, Jacobson, Larson, Puett, Waldron and the Speaker.

Those who voted in the negative, were

Messrs. Donaldson, Harlan, Pease, Somers and Wallace.

So the bill passed, and its

Title agreed to.

On motion of Mr. Puett, a

Special order of the day, the consideration of

H. F. No. 25,

A memorial to the Congress of the United States, in rela-

tion to compensation for losses by Indian depredations, was

Taken up.

On motion,

It was ordered to be engrossed for a third reading, on Friday next.

A special order of the day, the considerateon of

C. B. No. 7,

An act to encourage and regulate the drainage of lands.

On motion of Mr. Waldron, it was

Indefinitely postponed.

Mr. Wallace moved to adjourn until one o'clock Friday afternoon next, which

Motion prevailed, and the

House adjourned at fifteen minutes of one o'clock P. M.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

---

## THIRTY-THIRD DAY.

Friday, January, 2, 1863.

House met pursuant to adjournment at 1 o'clock, P. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present — Messrs. Bothun, Donaldson, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Absent — Messrs. Gifford, Buckman, and Pease.

The journal of Wednesday was read and approved.

The following report was submitted:

MR. SPEAKER:

Your committee on Education, to whom was referred

H. F. No. 36,

Report the same back without amendment and recommend its passage.

E. W. GIFFORD,
J. Y. BUCKMAN,
*Committee.*

Report adopted.

The following report was presented:

MR. SPEAKER:

Your committee to whom was referred

H. F. Nos. 37, 25, and 39,

Beg leave to report the same back as correctly engrossed.

N. J. WALLACE,
J. A. JACOBSON,
J. Y. BUCKMAN,
*Committee.*

Report adopted.

Mr. Puett, chairman of committee on Judiciary, submitted the following report:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred

C. B. No. 5,

An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of towns, &c.

Have examined the same, and have directed me to report the same back to the house, and recommend its indefinite postponement.

I am also directed to report

H. F. No. 18,

An act for the punishment of offenses against property,

Back to the house, and recommend its indefinite postponement.

A. W. PUETT, Ch'n.

Report adopted.

Mr. Puett also reported the following:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred

C. B. No. 35,

An act for removal from office; also,

H. F. No. 27,

An act concerning aliens,

Have examined the same and have directed me to report the same back to the house and recommend their passage without amendments.

A. W. PUETT, Ch'n.

The report was adopted.

Mr. Puett presented the following report.

MR. SPEAKER:

Your committee on Enrollment have examined

H. F. Nos. 3, 6, and 13, and

Report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report was adopted.

The following report was submitted:

MR. SPEAKER:

Your committee on Federal Relations, to whom was referred,

Joint resolution endorsing the administration of Abraham Lincoln,

Report the same back, and recommend the following amendments:

Strike out in the third line of the fourth resolution the word "is," and insert the word "are" in lieu thereof.

In the seventh line of the fifth resolution strike out the word "has," and insert the word "have" in lieu thereof.

GEO. P. WALDRON,
A. W. PUETT,
L. BOTHTN,
*Committee.*

The report was adopted, and amendments concurred in.

The following report was submitted:

MR. SPEAKER:

Your committee on Federal Relations, to whom was referred H. F. No. —,

A memorial to establish a military road from Fort Ridgely to Fort Randall,

Report the same back with the following amendment:

Strike out the words "to establish," in the title of the memorial, and insert the words "for the establishment of."

Your committee would say that the orthography in some instances is rather too strong, the author spelling the word wagon with two g's.

GEO. P. WALDRON,
A. W. PUETT,
L. BOTHUN,
*Committee.*

The report was adopted, and amendments concurred in.

The committee on Federal Relations also reported as follows:

MR. SPEAKER:

The committee on Federal Relations, to whom was referred

A memorial for the establishment of a mail route from Mankato to Fort Randall,

Have had the same under consideration, and report the same back without amendment.

GEO. P. WALDRON,
A. W. PUETT,
L. BOTHTN,
*Committee.*

Report adopted.

Mr. Johnson presented the following report:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 42,

Have had the same under consideration, and report the same back without amendment and recommend its passage.

R. M. JOHNSON, Ch'n.

Report adopted.

Mr. Harlan, of the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture, to whom was referred

C. B. No. 38,

Have had the same under consideration, and directed me to report it back without amendment and recommend its passage.

The report was adopted.

The chair announced that Mr. Somers' name would be substituted on the committees on which Mr. Frisbie's name occurs.

Mr. Puett introduced

H. F. No 43,

A bill for an act to incorporate the University of Dakota, which was

Read a first and second time, and

Referred to the committee on Incorporations.

Mr. Wallace introduced the following resolution:

*Resolved*, That hereafter no member be allowed to speak more than once on the same question without leave, nor to occupy more than five minutes at any one time.

The resolution was not adopted.

Mr. Wallace introduced the following:

Whereas, On the 9th day of this session, Gustave Jacobson, sergeant-at-arms, and Thomas Halverson, messenger in this house, left their places and refused to perform the duties of their respective offices, thereby violating their official oaths, and treating with contempt the authority of this body; therefore, be it

*Resolved*, That Gustave Jacobson, sergeant-at-arms, and Thomas Halverson, messenger, are removed from the offices they respectively hold in this house, and said offices are hereby declared vacant.

Mr. Wallace moved the adoption of the resolution.

Mr. Puett moved its indefinite postponement.

Mr. Wallace called for yeas and noes on the motion, which

Being ordered, resulted as follows:

Yeas 7, noes 6.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Harlan, Jacobson, Larson, Puett, and the Speaker.

Those voting in the negative were

Messrs. Donaldson, Gifford, Johnson, Somers, Wallace, and Waldron.

So the resolution was indefinitely postponed.

Mr. Wallace offered the following resolution:

*Resolved*, That the secretary of the territory be requested to furnish this house with a statement showing the amount appropriated by Congress for legislative purposes for Dakota Territory for the year 1862; also, an estimate of the probable expenditures for the current year.

Mr. Wallace demanded the yeas and noes on the adoption of the resolution, which

Being ordered, resulted as follows:

Yeas 7, noes 6.

Those voting in the affirmative were

Messrs. Bothun, Gifford, Larson, Somers, Wallace, Waldron, and the Speaker.

Those voting in the negative were

Messrs. Buckman, Donaldson, Harlan, Johnson, Jacobson, and Puett.

So the resolution was adopted.

Mr. Waldron moved that the house proceed to the election of sergeant-at-arms and messenger.

Mr. Puett moved a call of the house, but subsequently withdrew it for the purpose of giving Mr. Waldron an opportunity of withdrawing his motion, which he declined doing.

Mr. Puett renewed his motion for a call of the house, which

motion was objected to by many of the members as out of order.

The chair ruled that two members could demand call of the house, after which

The call was had.

The following members answered to their names:

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Pease absent.

The sergeant-at-arms was dispatched to bring him to the house.

On motion of Mr. Harlan,

Further proceedings under the call was dispensed with.

On motion of Mr. Waldron, the

House proceeded to the election of a sergeant-at-arms.

Mr. Puett nominated Gustave Jacobson as sergeant-at-arms.

Mr. Johnson nominated Chroel Gifford as sergeant-at-arms.

A vote being taken, *viva voce*, resulted as follows:

For Gustave Jacobson, 7 votes.

For Chroel Gifford, 6 votes.

Those voting for Mr. Jacobson were

Messrs. Bothun, Buckman, Harlan, Jacobson, Larson, Puett, and the Speaker.

Those voting for Mr. Gifford were

Messrs. Donaldson, Gifford, Johnson, Somers, Wallace, and Waldron.

Mr. Jacobson was declared elected, having received a majority of the votes.

The house then proceeded to ballot for a messenger.

Mr. Waldron nominated Wm. Stevens for messenger.

Mr. Bothun nominated Thos. Halverson for messenger.

A vote being taken, *viva voce*, resulted as follows:

Mr. Stevens received 6 votes.

Mr. Halverson received 7 votes.

Those voting for Mr. Stevens were

Messrs. Donaldson, Gifford, Johnson, Somers, Wallace, and Waldron.

Those voting for Mr. Halverson were

Messrs. Bothun, Buckman, Harlan, Jacobson, Larson, Puett, and the Speaker.

Mr. Halverson having received a majority of the votes, was declared duly elected messenger.

C. B. No. 52,

An act defining the council and representative districts in the Territory of Dakota, and apportioning the representation thereof, was

Read a first time.

C. B. No. 63,

An act locating the county seat of Clay county, was

Read a first time.

A motion being made to suspend the rules, to read bill second time, and

The yeas and noes being called for and ordered, on the motion, resulted as follows:

Yeas 12, noes 1.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Waldron, and the Speaker.

Mr. Wallace voted in the negative.

So the motion did not prevail.

The messenger elect now came forward and was duly qualified by the Speaker.

On motion of Mr. Donaldson, the

House adjourned at 4 o'clock until 10 o'clock to-morrow morning.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## THIRTY-FOURTH DAY.

Saturday, January 3, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron and Mr. Speaker.

The journal of yesterday was read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 3, 1863.

MR. SPEAKER:

The council have passed

C. B. No. 60,

A bill for an act providing for the printing and distribution of the Laws and Journals.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

The chair announced that hereafter the committee on Rail Roads, would be known as the committee on Internal Improvements.

Mr. Puett, chairman of committee on Judiciary, presented the following report:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred,

C. B. No. 30,

An act defining the courts and jurisdiction of justices of the peace,

Have examined the same, and have directed me to report the same back to the house for their consideration.

The report was adopted.

The Engrossment committee submitted the following report:

MR. SPEAKER:

Your committee on Engrossment to whom was referred

H. F. Nos. 31 and 40.

Report the same back as correctly engrossed.

N. J. WALLACE,
J. Y. BUCKMAN,
J. A. JACOBSON.
*Committee.*

The report was adopted.

The committee on Enrollment submitted the following report:

MR. SPEAKER:

Your committee on Enrollment have examined,

H. F. No. 21,

And report the same as correctly enrolled; also,

C. B. Nos. 11 and 43,

As correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD.
*Committee.*

Report adopted.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred,

H. F. No. 10,

An act to disolve the marriage contract existing between, Malinda Metcalf and Morris Metcalf.

Report the same back without amendment and recommend its passage.

H. S. DONALDSON,
R. M. JOHNSON,
E. W. GIFFORD,
*Select Committee.*

The report was adopted:

Mr. Gifford introduced,

H. F. No. 44,

A memorial to Congress, asking for an amendment to an act entitled an act to secure homesteads to actual settlers on the public domain, which was

Read a first and second time, and

Rules being suspended,

Read a third time, and

Put upon its final passage, the vote resulting as follows:

Yeas 13, noes 0,

Those who voted in the affirmative, were

Messrs. Bpthun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson Puett, Somers, Wallace, Waldron and the Speaker.

So the bill passed, and its

Title agreed to.

C. B. No. 60,

An act providing for the printing and distribution of the Laws and Journals, was

Read a first and second time.

Mr. Waldron offered an amendment, to-wit:

Strike out all after the word "orthography" in the second section, and insert the words, "as may be necessary," which

Amendment was adopted.

The bill was then read a third time, and

The vote being taken upon its final passage, resulted as follows:

Yeas 13, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron and Mr. Speaker.

So the bill passed, and its
Title agreed to.

C. B. No. 52,
An act defining the council and representative districts in the Territory of Dakota, and apportioning the representation thereof, was
Read a second time, and
On motion of Mr. Wallace was referred to a select committee of three.

The chair appointed as such committee,
Messrs. Wallace, Donaldson and Larson.

C. B. No. 63,
An act locating the county seat of Clay county, was
Read a second time, and
Rules being suspended, was
Read a third time, and
Put upon its final passage, the vote resulting as follows:

Yeas 12, noes 1,

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron and the Speaker.

Mr. Somers, voted in the negative.

So the bill passed, and its
Title agreed to.

C. B. No. 38,
An act to authorize the adoption of children, was.

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 10, noes 3.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Harlan, Jacobson, Larson, Puen, Somers, Wallace, Waldron and the Speaker.

Those voting in the negative, were

Messrs. Donaldson, Gifford and Johnson.

So the bill passed, and its

Title agreed to.

C. B. No. 35,

A bill for an act entitled an act, for removal from office, was

Taken up for consideration, and

On motion, was

Recommitted to the committee on Judiciary.

C. B. No. 30,

An act defining the courts and jurisdiction of the justices of the peace, was

Taken up for consideration.

Mr. Waldron moved the indefinite postponement of the bill, which

Motion did not prevail.

Mr. Waldron moved it be recommitted to the committee on Judiciary, which

Motion was lost.

Mr. Harlan moved that the consideration of the bill be made the special order of the day on Monday morning next at half past ten o'clock, which

Motion did not prevail.

The bill was then read a third time, and

The vote being taken on its final passage, resulted as follows:

Yeas 11, noes 2.

Those who voted in the affirmative were,

Messrs. Bothun, Buckman, Donaldson, Gifford, Johnson, Jacobson, Larson, Puett, Somers, Wallace, and the Speaker.

Those who voted in the negative were,

Messrs. Harlan, and Waldron.

So the bill was passed, and its
Title agreed to

H. F. No. 10,
An act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf, was
Read a third time, and
Put upon its final passage, the vote resulting as follows:

Yeas 10, noes 0.

Those voting in the affirmative were,

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Puett, Somers, Wallace, Waldron, and the Speaker.

Messrs. Bothun, Jacobson, and Larson, were excused from voting.

So the bill passed, and its
Title agreed to

The following communication was received from the council:

COUNCIL CHAMBER,
January 3, 1863.

MR. SPEAKER:

The council have passed
C. B. No. 3,
A bill for on act to provide for the public printing; also,
C. B. No. 64,
A memorial and joint resolution to Congress, praying that section fourteen of an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same, for postal, military, and other purposes, approved July 1st, 1862, may be amended; also,
C. B. No. 66,

A bill for an act to amend section forty-nine of chapter thirty-two of the code; also,

C. B. No. 67,

A bill for an act to dissolve the marriage contract heretofore existing between Wm. Hammond and Marietta Hammond; also,

C. B. No. 70,

A memorial to the Secretary of War, on the subject of Indian affairs in Dakota Territory.

The concurrence of the house is respectfully requested.

The council have amended the house amendments to

C. B. No. 31,

A bill for an act changing the time of holding United States district courts in the several judicial districts of the Territory of Dakota, and

Concurred in the same.

The further concurrence of the house is respectfully requested.

JAMES TUFTS.
*Secretary.*

H. F. No. 24,

A memorial to establish a military road from Fort Ridgely, Minnesota, to Fort Randall, Dakota Territory, was

Read a third time, and

The vote being taken on its final passage, resulted as follows:

Yeas 13, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its

Title agreed to.

H. F. No. 25,

A memorial to the Congress of the United States, in relation to compensation for losses by Indian depredations, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 13, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial was passed, and its
Title agreed to.

H. F. No. 28,
A memorial to Congress for the establishment of a mail route from Mankato, was
Read a third time, and
Put upon its final passage.

The vote being taken resulted as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its
Title agreed to.

H. F. No. 27,
An act concerning aliens, was
Taken up for consideration.

Mr. Johnson moved its indefinite postponement, and
Called for the yeas and noes on the motion, which
Being ordered, resulted as follows:

Yeas 3, noes 10.

Those voting in the affirmative were

Messrs. Gifford, Johnson, and Waldron.

Those voting in the negative were

Messrs. Bothun, Buckman, Donaldson, Jacobson, Larson, Puett, Somers, Wallace, and the Speaker.

So the motion for indefinite postponement did not prevail.

On motion of Mr. Somers, the
Bill was recommitted to a select committee of three.

The chair appointed Messrs. Somers, Harlan, and Buckman, as such committee.

The following communication was received from the council:

MR. SPEAKER:

I am instructed to inform the house of representatives, that the council have passed

H. F. No. 44, and

I herewith return the same.

JAMES TUFTS,
*Secretary.*

H. F. No. 39,
A memorial to the Postmaster General, was
Read a third time, and
Put upon its final passage.

The vote being taken, resulted as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial was passed, and its
Title agreed to.

H. F. No. 37,
A memorial to the Congress of the United States, relative to the building of a Fort in the valley of the Red River, was
Read a third time, and
Put upon its final passage, the vote resulting as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan,

Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its
Title agreed to.

H. F. No. 42,

A memorial to Congress, asking an appropriation of lands for the University of Dakota, was

Read a third time, and

Put upon its final passage, the vote resulting as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its
Title agreed to.

H. F. No. 36,

An act supplementary to an act entitled an act for the regulation and support of common schools, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 7, noes 6.

Those voting in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Puett, Somers, Wallace, and the Speaker.

Those voting in the negative, were

Messrs. Bothun, Harlan, Johnson, Jacobson, Larson, and Waldron.

So the bill passed, and its
Title agreed to.

H. F. No. 26,

Joint resolution indorsing the administration of Abraham Lincoln, was

Taken up for consideration.

Mr. Donaldson moved that it be referred to a select committee of three, which

Motion did not prevail.

The resolution was then read a third time, and

Put upon its final passage.

The vote resulted as follows:

Yeas 10, noes 3.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, and Waldron.

Those voting in the negative, were

Messrs. Donaldson, Gifford, and the Speaker.

So the joint resolution passed, and its

Title agreed to.

H. F. No. 40,

An act granting a ferry charter to H. S. Kelly across the Vermilion river, in Clay county, was

Taken up for consideration.

Mr. Bothun offered the following amendment to the bill:

Amend by striking out the word "forty," where it occurs in the third section, and insert the word "twenty-five;" also, strike out the word "thirty-five" where it occurs in the third section, and insert in lieu thereof the word "twenty-five;" also, strike out the words "twenty cents" where they occur in the ninth line of section three, in printed bill, and insert in lieu thereof the words "ten cents."

The amendment was adopted, and the bill

Read a third time and put upon its final passage, the vote resulting as follows:

Yeas 13, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the bill passed, and its
Title agreed to.

C. B. No. 3,
An act to provide for the public printing, was
Read a first and second time, and
Referred to the committee on Ways and Means.

C. B. No. 64,
Memorial and joint resolution to Congress praying that section 14 of an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes, approved July 1st, 1862, may be amended, was
Read a first and second time, and
Rules being suspended,
Read a third time, and
Put upon its passage, the vote resulting as follows:

Yeas 12, noes 1.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Johnson voted in the negative.

So the memorial and joint resolution passed, and its
Title agreed to.

C. B. No. 66,
An act to amend section 49 of chapter 32 of the code, was
Read a first and second time, and
Referred to the committee on Elections.

C. B. No. 70,
A memorial to the Secretary of War, on the subject of Indian affairs in Dakota Territory, was
Read a first and second time, and
Referred to committee on Indian Affairs.

C. B. No. 67,

An act to dissolve the marriage contract heretofore existing between William Hammond and Marrietta Hammond, was

Read a first time.

C. B. No. 31,

An act changing the time of holding United States district courts in the several districts of the Territory of Dakota, which was

Returned from the council with amendments, was

Taken up for consideration, and

On motion, was

Referred to a select committee of three.

The chair appointed as such committee

Messrs. Wallace, Waldron, and Harlan.

The committee on Enrollment submitted the following report:

MR. SPEAKER:

Your committee on Enrollment have examined

C. B. No. 59, and

Report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD.
*Committee.*

The report was adopted.

Mr. Bothun moved to adjourn until 10 o'clock Monday morning next, which

Motion prevailed, and the

House adjourned at 1 o'clock, P. M.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

## THIRTY-SIXTH DAY.

Monday, January 5, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present — Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace and the Speaker.

The journal of Saturday was read and approved.

Mr. Puett, chairman of the committee on Judiciary, submitted the following report:

MR. SPEAKER:

Your committtee on Judiciary, to whom was referred,

H. F. No. 32,

An act to punish willful or malicious trespass by imprisonment,

Have examined the same, and have directed me to report the same back to the house, and

Recommended its indefinite postponement.

The report was adopted.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred,

H. F. No. 43, entitled,

A bill for an act to incorporate the University of Dakota,

Have had the same under consideration, and report the same back without amendment, and

Recommend its passage.

H. S. DONALDSON,
J. A. JACOBSON,
R. M. JOHNSON.
*Committee.*

Report adopted.

The committee on Agriculture submitted the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred,

H. F. No. 30,

An act to regulate the setting of prairie fires,

Have had the same under consideration, and report the same back, and recommend its passage, without amendment.

M. H. SOMERS,
A. J. HARLAN,
E. W. GIFFORD,
*Committee.*

The report was adopted.

Mr. Puett, chairman of committee on Enrollment, submitted the following report:

MR. SPEAKER:

Your committee on enrollment, presented to his excellency, Governor Jayne, on January 3rd, 1863, for his approval and signature, the following bills and memorials:

H. F. Nos. 8, 5, 12, 6, 13, 3 and 21.

The report was adopted.

The same committee, also submitted the following report:

MR. SPEAKER:

Your committee on Enrollment have examined,

C. B. Nos. 30, 38, 60 and 63,

And report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD.
*Committee.*

The report was adopted.

The following communication was received from Hon. John Hutchinson, Secretary of the Territory.

SECRETARY'S OFFICE,
Yankton, D. T., Jan. 5, 1863.

*Gentlemen of the House of Representatives:*

Your resolution requesting me to furnish the house with a

statement showing the amount appropriated by Congress for legislative purposes, for Dakota Territory, for the year 1862; also, an estimate of the probable expenditure for the current year, has been received, and in reply I have to say that the amount appropriated is $20,000, and the probable expenditure for the current year will be about $16,000 or $17,000

I am Gentlemen, very respectfully,

Your obedient servant,

JOHN HUTCHINSON,

*Secretary.*

The following report was submitted.

MR. SPEAKER:

The select committee to whom was referred,

C. B. No. 52, entitled,

An act defining the council and representative districts in Dakota Territory, and apportioning the representation thereof,

Report the same back with the following amendment:

Amend section two by striking out the word "four," and insert the word "five," and when so amended, recommend its passage.

N. J. WALLACE,
K. LARSON,
H. S. DONALDSON,
*Committee.*

Mr. Harlan called for the yeas and noes on the reception of the report, which

Being ordered resulted as follows:

Yeas 9, noes 4.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Johnson, Larson, Somers, Wallace, Waldron and the Speaker.

Those voting in the negative, were

Messrs. Bothun, Harlan, Jacobson and Puett.

So the report was received.

Mr. Waldron moved to concur to the amendments on Cole

county, in section two, and demanded the yeas and noes on the motion,

Which being ordered resulted as follows:

Yeas 12, noes 1,

Those voting in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron and the Speaker.

Mr. Bothun voted in the negative.

So the motion prevailed.

Mr. Waldron moved that section seven be stricken out and section eight inserted in lieu thereof.

Which motion prevailed.

Mr. Waldron moved to amend section two by striking out the word "county," in the first line, and insert the word "counties," and after the word "Cole" in the same line insert the words, "Lincoln, Minnehaha, Brookings and Deuel."

Mr. Wallace called for the yeas and noes, on the motion, which

Being ordered resulted as follows:

Yeas 9, Noes 4,

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson Puett and Waldron.

Those who voted in the negative were

Messrs. Donaldson, Somers, Wallace, and the Speaker.

So the motion prevailed and
The amendment adopted.

Mr. Harlan moved to amend section three, by striking out the word "four" and inserting the word "six."

Yeas and noes being called for and
Ordered on the motion, resulted as follows:

Yeas 5, noes 8.

Those who voted in the affirmative, were

Messrs. Bothun, Harlan, Jacobson, Puett and Waldron.

Those who voted in the negative, were

Messrs. Buckman, Donaldson, Gifford, Johnson, Larson, Somers, Wallace and the Speaker.

So the motion and amendment were lost.

Mr. Wallace moved that the rules be suspended, and the Bill read a third time, and
Put upon its final passage,
Which motion prevailed.

Mr. Waldron moved its indefinite postponement,
Which motion did not prevail.

The bill was then
Read a third time, and
The vote being taken upon its final passage,
Resulted as follows:

Yeas 8, noes 5.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Johnson, Larson, Somers, Wallace and the Speaker.

Those who voted in the negative, were
Messrs. Bothun, Harlan, Jacobson, Puett and Waldron.
So the bill passed.

Mr. Waldron moved to amend the title by striking out the word "apportion," and insert the word "disproportion" in lieu thereof,
Which motion did not prevail.

The title was then agreed to.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred,

H. F. No. 27,

Report the same back and recommend that it be indefinitely postponed.

M. H. SOMERS,
J. Y. BUCKMAN,
A. J. HARLAN,
*Committee.*

The report was adopted.

Leave was granted Mr. Somers to introduce,

H. F. No. 45,

A bill for an act locating the county seat of Cole county,

Which was read a first and second time, and

On motion of Mr. Wallace,
Rules were suspended, and
The bill read a third time, and
Put upon its final passage,
The vote resulting as follows:

Yeas 10, noes 3.

Those who voted in the affirmative, were

Messrs. Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Somers, Wallace, and the Speaker.

Those who voted in the negative were

Messrs. Bothun, Puett, and Waldron.

So the bill passed, and its
Title agreed to.

Leave was granted Mr. Somers to introduce

H. F. No. 46,

An act to locate a territorial road from Yankton to the Big Sioux river,

Which was read a first and second time.

Mr. Waldron offered the following amendment to the bill:

Strike out the words "Paul Pacquette's ferry" wherever they occur in the bill, and insert the words "John McBride's" in lieu thereof.

The amendment was not adopted.

Mr. Waldron offered the following amendments:

Strike out the word "first," in the fifth line of the second page, and insert "second" in lieu thereof.

In the eighth line of the same page, strike out the word "first," and insert "third" in lieu thereof.

At the end of section first insert, "with a branch from some convenient point on said road, to John McBride's ferry."

The amendment was adopted.

The bill was then read a third time,
And the vote being taken upon its final passage,
Resulted as follows:

Yeas 13, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the bill passed, and its
Title agreed to.

Permission was granted Mr. Waldron to introduce
H. F. No. 47,
An act granting a ferry charter across the Dakota river to J. B. Greenway,
Which was read a first and second time, and,
On motion of Mr. Waldron, it was
Referred to a select committee of three.

The chair appointed as such committee
Messrs. Waldron, Larson, and Donaldson.

The following communication was received from the council:

COUNCIL CHAMBER,
Monday, Jan. 5, 1863.

MR. SPEAKER:

The council have passed
C. B. No. 58,
An act concerning amendments and jeofails; also,
C. B. No. 65,

An act providing for county roads; also,

C. B. No. 71,

A memorial to the Congress of the United States asking military protection, and recommending the establishment of a line of military posts from Fort Abercrombie to St. Joseph, Kittson county, Territory of Dakota.

The concurrence of the house is respectfully requested.

The council also passed.

H. F. No. 37,

A memorial to the Congress of the United States relative to the building of a fort in the valley of the Red River; also,

H. F. No. 28,

A memorial to Congress for the establishment of a mail route from Mankato, in Minnesota, to Fort Randall, in Dakota; also,

H. F. No. 24,

A memorial for the establishment of a military road from Fort Ridgely, Minnesota, to Fort Randall, Dakota Territory; also,

H. F. No. 10,

An act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf; also,

H. F. No. 42,

A memorial to Congress asking an appropriation of lands for the University of Dakota.

And I herewith return the same.

JAMES TUFTS,
*Secretary.*

Mr. Waldron moved that when the house adjourn it adjourn to 2 o'clock P. M.,

Which motion prevailed.

On motion of Mr. Puett, the

House adjourned at half-past twelve o'clock until 2 o'clock P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House met pursuant to adjournment, and was

Called to order by the Speaker.

Roll called.

Present—Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron and Mr. Speaker.

C. B. No. 65,
An act providing for county roads,
Was read a first and second time,
And referred to the committee on Internal Improvements.

C. B. No. 71,
A memorial to the Congress of the United States asking military protection and recommending the establishment of a line of military posts from Fort Abercrombie to St. Joseph, Kittson county, Territory of Dakota,
Was read a first and second time, and
Rules being suspended, was
Read a third time, and
Put upon its final passage,
The vote resulting as follows:

Yeas 12, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron, and the Speaker.

So the memorial passed, and its
Title agreed to.

C. B. No. 58,
An act concerning amendments and jeofails, was
Read a first and second time, and
Referred to the committee on Internal Improvements.

C. B. No. 67,

An act to dissolve the marriage contract heretofore existing between William Hammond and Marietta Hammond, was

Read a second time, and

Referred to the committee on Internal Improvements

H. F. No. 30,

An act ts regulate the setting of prairie fires, was

Read a third time and

The vote being had upon its final passage, resulted as follows:

Yeas 12, noes 1.

Those voting in the affrmative were

Messrs. Bothun, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Buckman voted in the negative.

So the bill passed, and its

Title agreed to.

The following communication was received from the council:

COUNCIL CHAMBER,
January 5, 1863.

MR. SPEAKER:

The Council have passed

C. B. No. 72,

A bill for an act providing a criminal code for the Territory of Dakota.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

Mr. Waldron submitted the following report:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 47,

Have had the same under consideration, and a majority of the committee report the same back with the following amendment, and recommend its passage.

Strike out the last line of section one, and insert the following in lieu thereof:

"Eighty rods above, and one-half mile below said premises."

GEO. P. WALDRON,
H. S. DONALDSON,
*Committee.*

The report and amendments were adopted, and

The bill ordered to be engrossed for its third reading to-morrow.

Mr. Somers gave notice that on to-morrow he would introduce a memorial to the President of the United States, asking for the removal of Georgo M. Pinney, United States marshal for the Territory of Dakota.

C. B. No. 72,

An act providing a criminal code for the Territory of Dakota, was

Read a first and second time, and

Referred to committee on Judiciary.

H. F. No. 43,

A bill for an act to incorporate the University of Dakota, was

Taken up for consideration.

Mr. Wallace offered the following amendment, which was adopted.

Amend section four by striking out Albert Gore, and insert John R. Wood.

The bill was then

Read a third time, and

Put upon its final possage.

The vote being taken resulted as follows:

Yeas 12, noes 1.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, and the Speaker.

Mr. Waldron voted in the negative

So the bill passed, and its
Title agreed to.

On motion of Mr. Donaldson, the
House adjourned at 3 o'clock until 10 o'clock to-morrow morning.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## THIRTY-SEVENTH DAY.

Tuesday, January 6, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Present — Messrs. Bothun, Buckman, Gifford, Jacobson, Larson, Puett, Somers, Wallace, and the Speaker

The journal of yesterday was read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 5, 1863.

MR. SPEAKER:

The council have passed
H. F. No. 46,
A bill for an act to locate a territorial road from Yankton to the Big Sioux river; also,
H. F. No. 45,
A bill for an act locating the county seat of Cole county,
And I herewith return the same.

JAMES TUFTS,
*Secretary.*

The committee on Agriculture submitted the following report:

MR. SPEAKER:

Your committee on Agriculture have examined,

H. F. No. 29,

And return the same without amendment, and recommend its passage.

M. H. SOMERS,
A. J. HARLAN,
E. W. GIFFORD.
*Committee.*

Report adopted.

The committee on Indian Affairs submitted the following report:

MR. SPEAKER:

Your committee to whom was referred

C. B. No. 40,

Report the same back and recommend its indefinite postponement; also,

H. F. No. 31, and

C. B. No. 70,

And recommend their passage.

N. J. WALLACE,
G. P. WALDRON,
*Committee.*

The report was adopted.

The committee on Enrollment submitted the following report:

MR. SPEAKER:

Your committee on Enrollment have examined

H. F. Nos. 24, 28, 42, and 44, and

Report the same correctly enrolled; also,

C. B. No. 64,

As correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report adopted.

Mr. Wallace gave notice that on to-morrow he would introduce an act to amend chapter 41 of the code, concerning the compensation of officers.

Mr. Puett offered the following resolution:

*Resolved*, That the sergeant-at-arms be ordered to obtain the following papers, to-wit: The affidavits of T. Andrews, M. M. Rich, William Mathews, Ole Halverson, and William Frisbie; also, the petitions and certificates of said Frisbie and Mathews. Said papers are now in the hands of W. E. Gleeson, but rightfully belong to this body, and was by resolution referred to the committee on Elections

The resolution was adopted, and the sergeant-at-arms directed to comply with its requirements.

C. B. No. 70,

A memorial to the Secretary of War, on the subject of Indian affairs in Dakota Territory, was

Read a third time, and

The vote being taken upon its final passage, resulted as follows:

Yeas 12, noes 0.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its
Title agreed to.

H. F. No. 29,

An act to regulate enclosures and partition fences, was
Taken up for consideration.

Mr. Gifford moved the indefinite postponement of the bill, which

Motion did not prevail.

On motion of Mr. Gifford, it was
Referred to a select committee of three.

The air appointed as such committee,
Messrs Bothun, Johnson, and Somers.

H. F. No. 31,

A memorial to the Secretary of the Interior and commissioner of Indian Affairs, for the appointment of a special agent to adjust the claims of citizens of Dakota Territory who have sustained losses by Indian depredations, was

Read a third time, and

Put upon its final passage, the vote resulting as follows;

Yeas 13, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

So the memorial passed, and its

Title agreed to.

Mr. Puett, chairman of committee on Judiciary, submitted the following report:

MR. SPEAKER:

A majority of your committee on Judiciary to whom was referred,

C. B. No. 42,

Have examined the same, and have directed me to report the same back to the house without amendment, and recommend its passage.

The report was adopted.

On motion of Mr. Wallace,

A call of the house was ordered, when

The following membdrs answered to their names·

Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Donaldson being absent, the sergeant-at-arms was dispatched to bring him to the house.

The house then took a recess of fifteen minutes.

The time having expired, the

House was called to order by the speaker.

The roll being called,
The following members were found present:

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

C. B. No. 42,
An act to dissolve the marriage contract between Matilda Irwin and John A. Irwin, was
Read a third time, and

The vote being taken, upon its final passage, resulted as follows:

Yeas 9, nocs 1.

Messrs. Bothun, Donaldson, and Larson, were excused from voting, at their personal request.

Those voting in the affirmative were,

Messrs. Buckman, Gifford, Harlan, Johnson, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Jacobson voted in the negative.

So the bill passed, and its
Title agreed to.

On motion of Mr. Buckman, the

House adjourned at twelve o'clock, M., until to-morrow morning at ten o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

## THIRTY-EIGHTH DAY.

Wednesday, January 7, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Roll called.

Present — Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

The journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
January 6, 1863.

MR. SPEAKER:

The Council have passed

C. B. No. 74,

A memorial to the honorable Secretary of the Treasury of the United States praying that the direct tax of Dakota Territory may be taken out of the appropriation for legislative expenses for the years 1862–3.

The council have concurred in house amendments to

C. B. No. 52,

A bill for an act defining the council anu representative districts in Dakota Territory, and apportioning the representation thereof, as amended by the council.

The council have also passed

H. F. No. 39,

A memorial to the Postmaster General,

With attached amendments.

The concurrence of the house is respectfully requested.

I have also to inform you that the council has passed

H. F. No. 31,

A memorial to the Secretary of the Interior and Commissioner of Indian Affairs, asking for the appointment of a

special agent to adjust the claims of citizens of Dakota Territory who have sustained losses by Indian depredations; also,

H. F. No. 38,

A bill for an act granting to Ellis Wall a ferry charter across the Missouri river; also,

H. F. No. 43,

A bill for an act to incorporate the university of Dakota.

And I herewith return the same.

The council have also passed

C. B. No. 75,

A bill for an act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota; also,

C. B. No. 73,

A bill for an act to provide for filling vacancies in office.

The concurrence of the house is respectfully requested.

JAMES TUFTS,
*Secretary.*

The following communication was received from his Excellency Governor Jayne:

*To the House of Representatives:*

I have approved and signed bills and memorials with the folowing titles:

H. F. No. 3, An act conferring the rights of citizenship upon Walter Arcon.

H. F. No. 6, A memorial praying Congress to amend section 2 of an act providing for a temporary government for the Territory of Dakota.

H. F. No. 13, An act to change the name of Nels W. Wekingson.

H. F. No. 21, An act for the establishment of Clay county, in the Territory of Dakota.

A memorial and joint resolution relative to making Fort Randall a distributing post.

An act to change the name of Torbjorn W. Torrison.

W. JAYNE,
*Governor.*

A communication was received from the Hon. W. E. Glee-

son, Attorney General of the Territory, in answer to the resolution of yesterday, inclosing certain papers, which were delivered to the committee on Elections.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred
C. B. No. 3, entitled,
An act to provide for the public printing,
Have had the same under consideration and report the same back without amendment and recommend its passage.

H. S. DONALDSON,
J. A. JACOBSON,
N. J. WALLACE,
*Committee.*

The report was adopted.

Mr. Puett, chairman of the committee on Judiciary, submitted the following reports:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred
H. F. No. 33,
Have examined the same and have directed me to report the same back to the house, and recommend its indefinite postponement.

Also, they have examined
C. B. No. 33, and
H. F. No. 2,
And report the same back with a recommendation that they be laid on the table.

Also, they have examined
H. F. Nos. 34 and 20; also,
C. B. No. 35,
And report the same back to the house without amendment and recommend their passage.

The reports were adoptad.

The committee on Elections submitted the following report:

MR. SPEAKER:

Your committee on Elections to whom was referred

H. F. No. 35,

Report the same back and recommend its indefinite postponement.

J. Y. BUCKMAN, Ch'n.
A. J. HARLAN,
A. W. PUETT,
*Committee.*

The report was adopted.

The same committee also submitted the following report:

MR. SPEAKER:

Your committee on Elections to whom was referred
C. B. No. 45,

Report the same back and recommend that it be laid on the table.

J. Y. BUCKMAN, Ch'n.
A. J. HARLAN.

Report adopted.

The committee on Elections also submitted the following report:

MR. SPEAKER:

Your committee on Elections, to whom was referred
H. F. No. 41,

Report the same back and recommend its indefinite postponement.

J. Y. BUCKMAN, Ch'n.
A. J. HARLAN,
A. W. PUETT.

On motion the report was laid on the table.

The committee on Elections submitted the following:

MR. SPEAKER:

Your committee on Elections, to whom was referred
H. F. No. 22,

Have had the same under consideration and have directed me to report the same back to the house without amendment and recommend its passage.

A. W. PUETT,
A. J. HARLAN,
*Committee.*

Mr. Donaldson moved that the report and accompanying bill be laid on the table.

Mr. Harlan called for the yeas and noes on the motion, which

Being ordered, resulted as follows:

Yeas 9, noes 5.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Johnson, Larson, Pease, Somers, Wallace, and the Speaker.

Those who voted in the negative were

Messrs. Bothun, Harlan, Jacobson, Puett, and Waldron.

So the motion prevailed.

The following communication was received from the council

MR. SPEAKER:

The council have passed

C. B. No. 76,

A bill for an act concerning the rights of appeal in certain cases; also,

C. B. No. 69,

A bill for an act regulating the proceedings on writ of habeas corpus.

The concurrence of the house is respectfully requested.

The council have also passed,

H. F. No. 25,

A memorial to the Hon. W. P. Dole, Commissioner of Indian Affairs, in reference to compensation for losses by Indian depredations,

And I herewith return the same.

JAMES TUFTS,
*Secretary.*

Mr. Buckman, chairman of the committee on Elections introduced

H. F. No. 48,

A bill for an act to amend an act, entitled an act prescribing

the manner of conducting elections, of the canvass and return of the same, approved May 15th, 1862,

Which was read a first and second time.

The committee on Engrossment reported as follows:

MR. SPEAKER:

Your committee on Engrossed bills have examined

H. F. No. 47,

Entitled an act, granting a ferry charter across the Dakota river to J. B. Greenway,

And find the same correctly engrossed with the exception of loaded is spelled in the original bill "looded;" also, boats in the original is spelled "boots," this mis-spelling has been corrected in the engrossed copy, and is herewith submitted, trusting that their action will be approved by the house.

N. J. WALLACE,
J. A. JACOBSON,
*Committee.*

The report was adopted.

The committee on Enrollment reported as follows:

MR. SPEAKER:

Your committee on Enrollment have examined,

H. F. Nos. 10, 45 and 46,

And report the same as correctly enrolled; also,

C. B. Nos. 42, 70 and 71, as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

The report was adopted.

The following report was submitted:

MR. SPEAKER:

Your committee to whom was referred

H. F. No. 29,

Have had the same under consideration, and report the same back with the following amendments:

Strike out the words "ten days," in the 3rd line of section

12, and insert in lieu thereof "one month;" also strike out the 1st, 2nd, 3rd, 4th and 5th lines of section 17;

Also, strike out the three first words of the 6th line of sec- 17,

And when so amended, we recommend its passage.

L. BOTHUN,
R. M. JOHNSON.
M. H. SOMERS,
*Committee.*

The report and amendments were adopted, and

On motion H. F. No. 29, was laid on the table.

The following report was submitted:

MR. SPEAKER:

The select committee to whom was referred council bill entitled an act, changing the time of holding United States district courts in the several judicial districts of the Territory of Dakota, and for other purposes,

Have had the same under consideration, and have directed me to report the same back without amendment, for the action of the house.

N. J. WALLACE,
A. J. HARLAN,
GEO. P. WALDRON,
*Committee.*

On motion of Mr. Waldron, the report was received and the clerk directed to return the bill to the council.

Mr. Somers introduced,

H. F. No. 49,

A memorial to the President of the United States, asking for the removal of George M. Pinney, as United States Marshall.

Mr. Puett moved that the memorial be rejected, and demanded the yeas and noes on the motion, which being ordered resulted as follows:

Yeas 10, noes 4.

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson, Pease, Puett, Waldron and the Speaker.

Those who voted in the negative, were

Messrs. Gifford, Johnson, Somers and Wallace.

So the motion prevailed, and
The memorial was rejected.

Mr. Wallace introduced,
H. F. No. 50,
An act to amend an act, entitled an act to provide for the compensation of officers,
Which was read a first and second time, and
Rules being suspended,
Read a third time and put upon its final passage.
The vote being taken resulted as follows:

Yeas 11, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron and the Speaker.

So the bill passed and its
Title agreed to.

C. B. No. 73,
An act providing for filling vacancies in office,
Was read a first and second time, and
On motion of Mr. Wallace,
Was made the special order of the day, to-morrow morning at half past ten o'clock.

C. B. No. 75,
An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota,
Was read a first and second time, and
Referred to the committee on Military Affairs.

C. B. No. 74,
Memorial to the Hon. Secretary of the Treasury, of the

United States, praying that the direct tax of Dakota Territory may be taken out of the appropriations for legislative expenses for the years 1862 and 63, was

Read a first and second time, and

Referred to a select committee of three, consisting of

Messrs. Wallace, Puett and Buckman.

C. B. No. 76,

An act concerning the rights of appeal in certain cases, was

Read a first and second time, and

Rules being suspended,

Read a third time, and

Put upon its final passage,

The vote resulting as follows :

Yeas 14, noes 0,

Those voting in the affrmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Jacobson, Johnson, Larson, Pease, Puett, Somers, Wallace, Waldron and the Speaker.

So the bill passed, and its

Title agreed to.

C. B. No. 69,

An act regulating the proceedings on writ of habeas corpus was

Read a first and second time, and

Referred to the committee on Judiciary.

C. B. No. 52,

An act defining the council and representative districts in the Territory of Dakota, and

Which was returned from the the council, with amendments to house amendments,

Was taken up.

The yeas and noes being demanded, and

Ordered on the concurrence to the amendments, resulted as follows :

Yeas 7, noes 7,

Those who voted in the affirmative were

Messrs. Gifford, Johnson, Larson, Pease, Somers, Wallace and the Speaker.

Those who voted in the negative, were

Messrs. Bothun, Buckman, Donaldson, Harlan, Jacobson, Puett and Waldron.

So the amendments were not concurred in.

Mr. Harlan gave notive that he would move a reconsideration of the vote just taken.

Pending which, on motion of Mr. Johnson, the house adjourned at one o'clock P. M., until to-morrow morning at ten o'clock.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk.*

---

## THIRTY-NINTH DAY.

Thursday, January 8, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Roll called.

Present — Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

The journal of yesterday was read and approved.

Leave was granted Mr. Wallace to introduce

H. F. No. 51,

An act concerning the judicial districts of the territory, and fixing the time for holding the courts and other purposes, which was

Read a first and second time.

Mr. Waldron offered the following amendment to the bill, which was

Adopted.

Insert the word "Minnehaha" after the word "Lincoln," in the twelfth line of section twelve.

The rules were then suspended, and

The bill read a third time, and

Put upon its final passage,

The vote resulting as follows:

Yeas 14, noes 0.

Those voting in the affirmative were,

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

So the bill passed, and its

Title agreed to.

H. F. No. 22,

A bill dividing the Territory of Dakota into council and representative districts, apportioning the councilmen and representatives therein; also, fixing the qualifications of members of the Legislature, was

Taken up from the table, and

Read at length for information.

Mr. Puett offered the following amendments to the bill.

Strike out all after the enacting clause, and insert the following in lieu thereof:

Section 1. That the Legislative Assembly of the Territory of Dakota shall, until otherwise directed by law, consist of thirteen councilmen, and twenty-four members of the house of representatives.

Sec. 2. Be it further enacted, that the county of Cole shall constitute the first council and representative district, and shall be entitled to a representation of three members of the council and five members of the house of representatives.

Sec. 3. Be it further enacted, that the counties of Clay,

Lincoln, Deuel, Minnehaha, and Brookings, shall constitute the second council and representative district, and shall be entitled to a representation of three members of the council, and six members of the house of representatives.

Sec. 4. Be it further enacted, that the counties of Yankton and Jayne shall constitute the third council and representative district, and shall be entitled to a representation of three members of the council, and five members of the house of representatives.

Sec. 5. Be it further enacted, that the counties of Bon Homme and Hutchinson shall constitute the fourth council and representative district, and shall be entitled to a representation of one member of the council, and two members of the house of representatives.

Sec. 6. Be it further enacted, that the counties of Charles Mix and Bruyier shall constitute the fifth council and representative district, and be entitled to a representation of one member of the council, and two members of the house of representatives.

Sec. 7. Be it further enacted, that the counties of Todd and Gregory shall constitute the sixth council and representative district, and shall be entitled to a representation of one member of the council, and two members of the house of representatives.

Sec. 8. Be it further enacted, that the counties of Kittson, Chippewa, Stevens, and Cheyenne, shall constitute the seventh council and representative district, and shall be entitled to a representation of one member of the council, and two members of the house of representatives.

Sec. 9. This act to take effect and be in force from and after the fifteenth day of August, A. D. 1863.

Mr. Donaldson offered the following amendment to the amendment:

Amend section three, in line seven, by striking out the word "six," and inserting the word "four" in lieu thereof.

Mr. Donaldson called for the yeas and noes on the adoption of the amendment to the amendment,

Which being ordered, resulted as follows:

Yeas 5, noes 9.

Those voting in the affirmative, were

Messrs. Buckman, Donaldson, Gifford, Johnson, and Somers.

Those who voted in the negative were

Messrs. Bothun, Harlan, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and Mr. Speaker.

So the amendment the amendment was not adopted.

Mr. Waldron moved to amend by striking out the word "twenty-four" wherever they occur in the bill, and insert the word "twenty-six" in lieu thoreof. Also, to insert four members from Red River, instead of two.

Mr. Donaldson called for the yeas and noes on the motion,
Which being ordered, resulted as follows:

Yeas 6, noes 8.

Those who voted in the affirmative were

Messrs. Buckman, Donaldson, Gifford, Johnson, Somers, and Waldron.

Those who voted in the negative were

Messrs. Bothun, Harlan, Jacobson, Larson, Pease, Puett, Wallace, and the Speaker.

So the motion did not prevail.

The question recurring on the adoption of Mr. Puett's amendment, they were adopted.

The bill was then read a third time, and
The vote being taken, upon its final passage, resulted as follows:

Yeas 10, noes 4.

Tnose who voted in the affirmative were

Messrs. Bothun, Harlan, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

Those who voted in the negative were

Messrs. Buckman, Donaldson, Gifford, and Johnson.

So the bill passed.

On motion of Mr. Puett, the title was amended, by striking out the words, "fixing the qualifications of members of the Legislature.

The title was then agreed to.

Mr. Puett, chairman of the committee on Judiciary submitted the following report:

MR. SPEAKER:

Your committee on Judiciary, to whom was referred

C. B. No. 44,

Have examined the same, and have directed me to report the same back, and recommend the indefinite postponement of the same.

The report was adopted, and bill indefinitely postponed.

The committee on Internal Improvements submitted the following report:

MR. SPEAKER:

The committee on Internal Improvements to whom was referred,

C. B. No. 58,

Entitled an act concerning amendments, and jeofails,

Have had the same under consideration, and directed me to report the same back to the house, with the recommendation that it be indefinitely postponed.

We are further instructed by said committee to report back to the house,

C. B. No. 65, entitled

An act providing for county roads, and

Recommend that it be indefinitely postponed.

A. J. HARLAN,
K. LARSON,
G. P. WALDRON,
*Committe*

The report was adopted, and the bills indefinitely postponed.

Mr. Buckman, chairman of the committtee on Elections, submitted the following report:

MR. SPEAKER:

Your committee on Elections, to whom was referred,

C. B. No. 66,

Report the same back with the attached amendment, and recommend its passage.

The report and amendment were adopted.

The following report was submitted:

MR. SPEAKER:

The select committee to whom was referred.

C. B. No. 74,

A memorial to the Secretary of the Treasury of the United States, praying that the direct tax of Dakota Territory, may be taken out of the appropriation for legislative expenses, for the years 1862 and 63,

Report the same back, and recommend its passage.

N. J. WALLACE,
A. W. PUETT,
J. Y. BUCKMAN,
*Committee.*

The report was adopted.

The committee on Internal Improvements submitted the following report:

MR. SPEAKER:

The committee on Internal Improvements to whom was referred,

C. B. No. 67,

Have had the same under consideration, and report the same back and recommend that the same be indefinitely postponed.

A. J. HARLAN,
K. LARSON,
G. P. WALDRON,
*Committee.*

The yeas and noes being called for on the adoption of the report, and so ordered, resulted as follows:

Yeas 10, noes 4.

Those voting in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson, Puett, Somers, Wallace and Waldron.

Those who voted in the negative, were

Messrs. Gifford, Johnson, Pease and the Speaker.

So the report was adopted, and
The bill indefinitely postponed.

The following communication was received from the council:

COUNCIL CHAMBER,
January 8, 1863.

MR. SPEAKER:

The council have passed,
H. F. No. 23,
Joint resolution and memorial to Congress, asking for an increase of the pay of the common soldier,
And I herewith transmit the same.

JAMES TUFTS,
*Secretary.*

The committee on Engrossment reported as follows:

MR. SPEAKER:

Your committee on Engrossment to whom was referred,
H. F. No. 22,
Report the same back as correctly engrossed.

N. J. WALLACE,
J. Y. BUCKMAN.
J. A. JACOBSON,
*Committee.*

The report was adopted.

C. B. No. 35,
A bill for an act entitled an act for removal from office,
Was read a third time, and
Put upon its final passage, the vote resulting as follows:

Yeas 11, noes 3,

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Harlan, Jacobson, Larson, Pease, Puett, Somers, Waldron and the Speaker.

Those who voted in the negative, were
Messrs. Gifford, Johnson and Wallace.

So the bill passed and its
Tittle agreed to.

C. B. No. 74,
Memorial to the Hon. Secretary of the Treasury of the United States, praying that the direct tax of Dakota Territory, may be taken out of the appropriation for legislative expenses, for the years 1862 and 63,
Was read a third time, and
The vote being taken upon its final passage, resulted as follows:

Yeas 13, noes 1,

Those who voted in the affirmative, were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Somers, Wallace, Waldron and the Speaker.

Mr. Pease voted in the negative.

So the memorial passed, and its
Title agreed to.

C. B. No. 3,
An act to provide for the public printing,
Was taken up for consideration, and on motion was recommitted to a select committee consisting of
Messrs. Donaldson, Wallace and Harlan.

C. B. No. 66,
An act to amend section 49, of chapter 32, of the code, was
Read a third time, and
Put upon its final passage.
The vote resulted as follows:

Yeas 13, noes 1.

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Donaldson voted in the negative.

So the bill passed, and its
Title agreed to.

H. F. No. 48,
A bill for an act to amend an act entitled "an act prescribing the manner of conducting elections, of the canvass and return of the same," approved May 15th, 1862, was
Taken up for consideration, and,
On motion, was
Laid on the table

H. F. No. 20,
An act to provide for the recovery of lost money and goods, was
Taken up, and,
On motion, was
Indefinitely postponed.

H. F. No. 34,
An act relative to actions for alleged illegal seizures of personal property, under attachment or upon execution, was
Read a third time, and
Put upon its final passage.
The vote resulted as follows:

Yeas 13, noes 1.

Those voting in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Waldron, and the Speaker.

Mr. Wallace voted in the negative.

So the bill passed, and its
Title agreed to.

H. F. No. 47,

An act granting a ferry charter across the Dakota river to J. B. Greenway, was

Read a third time, and

The vote being taken upon its final passage, there were

Yeas 10, noes 4,

Those who voted in the affirmative were

Messrs. Bothun, Buckman, Donaldson, Harlan, Jacobson, Pease, Puett, Somers, Wallace, and Waldron.

Those who voted in the negative were

Messrs. Gifford, Johnson, Larson, and the Speaker.

So the bill passed, and its

Title agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 8, 1863.

MR. SPEAKER:

The council have passed

H. F. No. 22,

A bill for an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein; also,

H. F. No. 51,

A bill for an act concerning the judicial districts of the Territory, and fixing the time for holding the courts, and for other purposes.

And I herewith transmit the same.

JAMES TUFTS,
*Secretary.*

C. B. No. 73,

An act to provide for filling vacancies in office, was

Taken up for consideration.

Mr. Donaldson offered the following amendment:

Amend section 1, in the seventh line, by inserting after the words "Bon Homme," the words "Kittson, Chippewa, Sheyenne, and Stevens."

Mr. Waldron moved to amend the amendment by striking out all after the word "election," in section 1, which amendment was

Adopted.

The question recurring on the amendment as amended, the amendment was lost.

Mr. Wallace moved the indefinite postponement of the bill. which

Motion did not prevail.

Mr. Somers moved to adjourn.

Motion lost.

C. B. No. 73, was then
Read a third time, and
Put upon its final possage,
The vote resulting as follows:

Yeas 8, noes 6,

Those voting in the affirmative were

Messrs. Bothun, Buckman, Harlan, Jacobson, Larson, Pease, Puett, and Waldron.

Those voting in the negative were

Messrs. Donaldson, Gifford, Johnson, Somers, Wallace, and the Speaker.

So the bill passed, and its
Title agreed to.

Mr. Wallace introduced

H. F. No. 52,

An act extending the boundaries of Todd county, which was
Read a first and second time.

Mr. Harlan moved to adjourn until two o'clock, P. M.,
Which motion prevailed, and the

House adjourned at twelve and a half, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment at 2 o'clock, P. M.

The speaker in the chair.

Roll called.

Present — Messrs. Bothun, Gifford, Harlan, Jacobson, Larson, Pease, Puett, Wallace, Waldron, and the Speaker.

H. F. No. 48, was
Taken up.

Mr. Harlan offered the following amendments, which were adopted:

Amend section three, in the fourth line, by inserting the word "justice" after the word "chief."

Amend section three, line sixteen, by striking out "forty," and insert "thirty," in lieu thereof.

Amend section three, by striking out "ten days," and inserting "five days."

Amend section three, in line eleven, by adding the word "them," the words, "without obtaining such testimony."

On motion of Mr. Harlan, section third as amended was adopted.

Amend section ten, by inserting "voters," in lieu of the word "votes."

Amend section ten, by striking out the word "separately," after the word "county."

Amend section ten, by inserting the word "same," between words "the" and "manner," in the last line but one.

Add to section fourteen the words, "except as otherwise provided in section ten of this act."

On motion of Mr. Harlan, sections ten and fourteen were adopted as amended.

Mr. Waldron offered the following amendment:

Insert after the fifteenth section the following:

Section 16. That the county clerks of the several counties of the territory shall prepare a list of the electors of their respective counties who voted at the last preceding election for delegate to Congress, territorial officers, members of the council and house of representatives, and county officers, and deliver the same to the board of county commissioners of their respective counties for information, on or before their annual session in June of each year.

Sec. 17. The board of county commissioners of each county shall, at said annual session in June, prepare a corrected list of all persons qualified to vote as aforesaid; and for said purpose shall remain in open session two days, for the hearing of proof and evidence touching the qualifications of persons claiming the right to vote, at any such election. Said list so corrected shall be deposited in the office of the county clerk until the first Monday in August annually, on which day the said board of county commissioners shall meet in extra session, for the purpose of re-correcting said list by the hearing of additional proof and evidence of those whose right to vote is disputed, and also, of receiving and deciding upon the cases of new applicants.

Sec. 18. On or before the second Tuesday in August, annually, the county commissioners shall deposit in the office of the county clerk, a certified list of voters thus prepared and recorded in alphabetical order, and post up similar lists in three of the most public places in the county.

Sec. 19. After such lists are thus prepared, deposited with the clerk, and posted up, the county commissioners shall not add thereto, nor strike therefrom the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from the list the name of any person residing in the county, without first giving notice to him that his right to vote is questioned, and an opportunity for a hearing on one of such days; but at any regular session for receiving such evidence, the county commissioners shall place on the list of voters

the name of every person known by or proved to them to be so qualified, whether he applies therefor or not.

Sec. 20. When a person of foreign birth exhibits papers of naturalization, issued to him in due form by a court having jurisdiction, to the judges of election of his precinct, if satisfied of their genuineness, and that such person is entitled to vote, his vote shall be received. If they are of opinion that such papers are not genuine, or were not issued to the person presenting them, or, that he is not for other cause a legal voter, his vote shall not be received.

Sec. 21. In every county the commissioners shall be in session on the day of every general election, to hear and decide upon the application of persons claiming the right to vote, at some convenient place, for so long a time immediately preceding the opening of the polls, as they think necessary, and shall hear and determine upon such application, at any time before the polls are closed.

Sec. 22. The county commissioners shall make out a correct and alphabetical list of the inhabitants in their counties qualified to vote in the choice of county and district officers, and deposit the same in the office of the county clerk, to be delivered to the judges of election in the several precincts, on or before the twentieth day of August in each year; and any person who is thereafter declared entitled to vote, by the county commissioners on the day of election, shall receive a certificate of such fact from said commissioners, and shall present it with his ballot to the judges of election.

Strike out the figures "sixteen," of the last section, and insert the figures "twenty-two" in lieu thereof.

Mr. Puett moved to amend the amendment, by striking out section twenty.

Which was adopted.

The question then recurring on the adoption of Mr. Waldron's amendment as amended,

It was adopted.

The bill was then read a third time, and

The vote being taken, upon its final passage, resulted

Yeas 10, noes 1.

Those who voted in the affirmative were

Messrs. Bothun, Harlan, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

Mr. Gifford voting in the negative.

So the bill passed, and
Title agreed to.

Mr. Puett moved to reconsider the vote by which the bill was passed, which
Motion did not prevail.

Mr. Puett, submitted the following reports:

MR. SPEAKER:

Your committee on Enrollment have presented to the Governor, on January 8th, 1863, for his approval and signature, the following:

H. F. Nos. 46, 45, and 10.

A. W. PUETT, Ch'n.

Report adopted.

MR. SPEAKER:

Your committee on Enrollment have examined
H. F. No. 22,
And report the same as correctly enrolled.

A. W. PUETT, Ch'n.

Report adopted.

MR. SPEAKER:

Your committee on Judiciary, to whom was referred
C B. No. 69,
Have examined the same and have directed me to report the same back without amendment and recommend its passage.

A. W. PUETT, Ch'n.

Report adopted.

On motion of Mr. Harlan, the

House adjourned at half-past 3 P. M., to meet to-morrow at 10 A. M.

M. K. ARMSTRONG, *Speaker.*

R. M. HAGAMAN, *Chief Clerk*

---

## FORTIETH DAY.

Friday, January 9, 1863.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Roll called.

Present — Messrs. Bothun, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace and the Speaker.

Absent — Messrs. Buckman, Donaldson and Waldron.

The journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
January 9, 1863.

MR. SPEAKER:

The council have passed

C. B. No. 78,

A bill for an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein, and for other purposes.

The concurrence of the house is respectfully requested.

JAMES TUFTS.
*Secretary.*

Mr. Wallace moved a call of the house,

Which being ordered, the following members answered to their names:

Messrs. Bothun, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron and the Speaker.

Absent—Messrs. Buckman and Donaldson.

Mr. Puett moved that further proceedings under the call be dispensed with.

Mr. Wallace called for the yeas and noes, on the adoption of the motion,

Which being ordered resulted as follows:

Yeas 7, noes 5.

Those who voted in the affirmative, were

Messrs. Bothun, Gifford, Johnson, Jacobson, Larson, Pease and Puett.

Those who voted in the negative, were

Messrs. Harlan, Somers, Wallace, Waldron and the Speaker.

So the motion prevailed.

The following communication was received from the Governor:

*To the House of Representatives:*

I have approved and signed bills of the following titles:

H. F. No. 46, an act to locate a Territorial road from Yankton to the Big Sioux river.

H. F. No. 10, an act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf.

W. JAYNE,
*Governor.*

Executive office, January 9th, 1863.

Mr. Harlan offered the following resolution:

*Resolved*, That this house will—the council concurring herein—adjourn *sine die* this day at 3 o'clock P. M.

Mr. Johnson move to amend, by inserting, to 6 P. M.

Mr. Somers moved to amend the amendment by inserting 11 and a half o'clock A. M,

Which amendment to the amendment, was not adopted.

The question recurring on Mr. Johnson's amendment it was adopted.

On motion of Mr. Pease, the resolution was laid on the table.

Mr. Somers moved to adjourn until to-morrow morning at 10 o'clock,

Which motion did not prevail.

Mr. Puett introduced the following resolution:

*Resolved*, That the rules of the house be and they are hereby suspended for the day.

The following communication was received from the council:

COUNCIL CHAMBER,
Jan. 9, 1863.

MR. SPEAKER:

The council have concurred in house amendments to

C. B. No. 66,

A bill for an act to amend section 49, of chapter 32, of the Code.

JAMES TUFTS,
*Secretary.*

The question recurring on the adoption of Mr. Puett's resolution, and

The yeas and noes being called for and so ordered, on its adoption, resulted as follows:

Yeas 7, noes 5,

Those who voted in the affirmative, were

Messrs. Bothun Gifford, Johnson, Jacobson, Larson, Pease and Puett.

Those who voted in the negative, were

Messrs. Harlan, Somers, Wallace, Waldron and the Speaker.

A two-thirds vote being necessary, the resolution was not adopted.

The committee on Judiciary through their chairman Mr. Puett, submitted the following report:

MR. SPEAKER:

Your committee on Judiciary to whom was referred
C. B. No. 72,
An act providing a criminal code for the Territory of Dakota,
Have directed me to report the same back to the House without amendment or recommendation, for the consideration of the house.

The report was adopted.

Mr. Harlan moved that the consideration of
C. B. No. 72,
Be postponed until the second day of the next session.

Mr. Waldron called for the yeas and noes on the motion,
Which being ordered, resulted as follows:

Yeas 5, noes 7.

Those who voted in the affirmative, were

Messrs. Harlan, Somers, Wallace, Waldron and the Speaker.

Those who voted in the negative, were

Messrs. Bothun, Gifford, Johnson, Jacobson, Larson, Pease and Puett.

So the motion did not prevail.

Mr. Puett, chairman of committee on Military Affairs, submitted the following report:

MR. SPEAKER:

Your committee on Military affairs to whom was referred,
C. B. No. 75,
An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota,
Have examined the same and have directed me to report the same back to the house without amendment and recommend its passage.

A. W. PUETT, Ch'n.

Report was adopted.

Mr. Wallace, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:

The committee on Engrossment report H. F. No. 48, as correctly engrossed.

N. J. WALLACE.

Report adopted.

Mr. Puett, chairman of committee on Enrollment submitted the following report:

MR. SPEAKER:

Your committee on Enrollment have examined
C. B. Nos. 73, 74 and 76,
And report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report adopted.

MR. SPEAKER:

Your committee on Enrollment have examined
H. F. Nos. 31, 43, 23, 25, 38 and 51,
And report the same as correctly enrolled.

A. W. PUETT,
R. M. JOHNSON,
E. W. GIFFORD,
*Committee.*

Report was adopted.

On leave, Mr. Pease introduced,
H. F. No. 53,
An act to locate and establish a Territorial road from Yankton to Fort Lookout.
Read a first and second time.

Mr. Gifford moved a call of the house.

Roll called.

Absent—Messrs. Buckman and Donaldson.

On motion of Mr. Puett, further proceedings under the call were dispensed with.

Mr. Puett moved that the house take a recess for a half hour.

Mr. Waldron moved to amend by substituting half past one o'clock, which

Motion did not prevail.

Mr. Puett's motion was then adopted.

The time having expired,

The house was called to order by the speaker.

Roll called.

Present — Messrs. Bothun, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron, and the Speaker.

H. F. No. 53,

An act to locate and establish a territorial road from Yankton to Fort Lookout.

Was taken up for consideration,

Mr. Johnson offered the following amendment to the bill :

Amend the first line by striking out D. P. Bradford, and insert in lieu thereof D. C. Gross.

The amendment was adopted.

C. B. No. 78,

An act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein, and for other purposes,

Was read a first time.

Mr. Johnson moved that rules be suspended, and bill read a second time.

Pending which,

On motion of Mr. Harlan,

The house adjourned until two o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment,

And was called to order by the speaker.

Roll called.

Present — Messrs. Bothun, Gifford, Harlan, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Absent — Messrs. Johnson, Pease, Buckman, and Donaldson.

On motion of Mr. Gifford, a call of the house was ordered, resulting as follows:

Present — Messrs. Bothun, Gifford, Harlan, Jacobson, Larson, Puett, Somers, Wallace, Waldron, and the Speaker.

Absent — Messrs. Buckman, Donaldson, Johnson, and Pease.

The sergeant-at-arms was directed to bring the absentees to the house forthwith.

On motion of Mr. Wallace, further proceedings under the call were dispensed with.

Mr. Wallace moved to take a recess of fifteen minutes,

Which motion did not prevail.

The question recurring on the motion to suspend the rules pending at the time of the adjournment of the morning session,

Mr. Johnson withdrew his motion to suspend rules.

Mr. Harlan moved that the bill, (C. B. 78,) be rejected, and

The yeas and noes being demanded and ordered, resulted as follows:

Yeas 6, Noes 6.

Those who voted in the affirmative, were

Messrs. Harlan, Johnson, Somers, Wallace, Waldron, and the Speaker.

Those who voted in the negative were

Messrs. Bothun, Gifford, Jacobson, Larson, Pease, and Puett.

So the motion did not prevail.

The bill was then ordered to go to its second reading tomorrow.

C. B. No. 75,

An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota, was

Taken up for consideration.

Mr. Harlan moved to amend as follows:

Amend by adding after the name of "James Tufts," the name of "N. J. Wallace,"

Which amendment was adopted.

The bill was then

Read a third time, and

Put upon its final passage,

The vote resulting as follows:

Yeas 8, noes 3,

Those who voted in the affirmative were

Messrs. Gifford, Harlan, Johnson, Pease, Puett, Somers, Waldron, and the Speaker.

Those who voted in the negative were

Messrs. Bothun, Jacobson, and Larson.

So the bill passed, and its title amended by inserting "the" in lieu of "a."

The title was then agreed to.

C. B. No. 69,

An act regulating the proceedings on writ of habeas corpus,

Was read a third time, and

Put upon its final passage,

The vote resulting as follows:

Yeas 9, noes 3.

Those who voted in the affirmative, were

Messrs. Bothun, Harlan, Jacobson, Larson, Pease, Puett, Somers, Waldron, and the Speaker.

Those who voted in the negative, were

Messrs. Gifford, Johnson, and Wallace.

So the bill passed, and its
Title agreed to.

C. B. No. 72,

An act providing a criminal code for the Territory of Dakota,

Was taken up.

Mr. Harlan moved that the further consideration of the bill be suspended until the second day of the next session,

Which motion did not prevail.

The bill was then
Read a third time, and

Put upon its final passage, the vote resulting as follows:

Yeas 8, noes 4.

Those voting in the affirmative, were

Messrs. Bothun, Gifford, Johnson, Larson, Puett, Wallace, and the Speaker:

Those voting in the negative, were

Messrs. Harlan, Pease, Somers, and Waldron.

So the bill passed, and its
Title agreed to.

Leave being granted,
Mr. Puett introduced

H. F. No. 54,

An act to legalize the acts of the board of county commissioners and register of deeds of Clay county, Territory of Dakota,

Which was read a first time, and
Rules being suspended,
Read a second and third time, and
Put upon its final passage, the vote resulting as follows:

Yeas 12, noes 0.

Those voting in the affirmative, were

Messrs. Bothun, Gifford, Harlan, Jacobson, Johnson, Larson, Pease, Puett, Somers, Wallace, Waldron, and Mr. Speaker.

So the bill passed, and its
Title agreed to.

The committee on Enrollment submitted the following reports:

MR. SPEAKER:

Your committee on Enrolled bills have presented to his Excellency the Governor, January 9th, for his approval and signature,

H. F. No. 22,

An act dividing the Territory into council and representative districts, and apportioning the same.

A. W. PUETT, Ch'n.

Also,

MR. SPEAKER:

Your committee on Enrolled bills have examined
C. B. No. 35,
And report the same as correctly enrolled.

A. W. PUETT, Ch'n.

The reports were adopted.

Mr. Waldron moved a reconsideration of the vote by which C. B. No. 75 passed,
Which motion prevailed.

Mr. Harlan then withdrew his former amendment to the bill, after which the bill was put upon its final passage, the vote resulting as follows:

Yeas 8, noes 4.

Those voting in the affrmative were

Messrs. Gifford, Harlan, Johnson, Pease, Puett, Wallace, Waldron, and the Speaker.

Those voting in the negative were

Messrs. Bothun, Jacobson, Larson, and Somers.

So the bill passed, and its
Title amended to its original form.

H. F. No. 53,

An act to locate and establish a territorial road from Yankton to Fort Lookout,

Was read a third time, and

Put upon its final passage, the vote resulting as follows:

Yeas 12, noes 0.

Those voting in the affirmative were

Messrs. Bothun, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Somers, Wallace, Waldron, and the Speaker.

So the bill passed, and its
Title agreed to.

H. F. No. 52,

An act extending the boundaries of Todd county,
Was read a third time, and

Put upon its final passage—the vote resulting as follows:

Yeas 4, noes 5.

Messrs. Harlan, Gifford, and Somers were excused from voting.

Those who voted in the affirmative were,

Messrs. Johnson, Wallace, Waldron, and the Speaker.

Those who voted in the negative were,

Messrs. Bothun, Jacobson, Larson, Pease, and Puett.

So the bill did not pass.

On motion of Mr. Harlan, the resolution relative to the adjournment of the two houses was taken up from the table.

On motion, the hour of adjournment was amended, so as to read four o'clock, instead of six o'clock.

The following communications were received from his Excellency Governor Jayne:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
Yankton, January 9, 1863.

*To the Honorable, the House of Representatives:*

GENTLEMEN:

At the time when I defined the council and representative districts of this Territory, and apportioned the representation thereto, I was in doubt as to the right of the white persons residing upon the unceded Indian lands on the Red River, in this Territory, to be included within a council or representative district; but as I did not feel clear upon this point, I concluded to give them the benefit of the doubt. And when I approved the act of the last Legislative Assembly, defining the Red River district and fixing the representation thereof, I did so under a false apprehension as to the extent of the white population of said district. I have since heard, and now know by indisputable evidence, that if entitled to a representation at all, the white population of said district would not, under the ratio of house file No. 22, entitle said district to a larger representation than one member of the house of representatives. And were it not for the existence of said act of the last Legislative Assembly, entitled "an act to apportion the representation to the Red River district," I would not at this time approve of any act giving to said district (if any) a larger representation than one member of the house of representatives. But, as I am convinced that a large majority of the voters of the Territory desire an increased representation and a re-apportionment, I have approved and signed house file No. 22, entitled, "an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein," and I herewith return the same.

Very respectfully,
Your ob't servant,
W. JAYNE,
*Governor*

"*To the House of Representatives:*

GENTLEMEN:

I have approved and signed bills of the following titles:

H. F. No. 38, An act granting to Ellis Wall a ferry charter across the Missouri river.

H. F. No 43, A bill for an act to incorporate the University of Dakota.

H. F. No. 51, An act concerning the judicial districts of the Territory, and fixing the time for holding the courts, and other purposes.

W. JAYNE,
*Governor.*

Executive office, January 9th, 1863.

The house then took a recess of a half hour.

---

The time having expired,

The house was called to order by the Speaker.

Roll called.

Present—Messrs. Bothun, Gifford, Harlan, Johnson, Jacobson, Larson, Pease, Puett, Somers, Wallace, Waldron and the Speaker.

Mr. Puett introduced the following resolution:

*Resolved,* That the thanks of the house are due to R. M. Hagaman, chief clerk, and J. M. Allen, assistant clerk, for the able and impartial manner in which they have respectively performed their duties.

The resolution was adopted.

Mr. Wallace offered the following resolution:

*Resolved,* That the thanks of this body be tendered to the Hon. M. K. Armstrong, for the able, efficient and impartial

manner in which he has discharged the duties of Speaker of this house.

The resolution was adopted.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 9, 1863.

MR. SPEAKER:

The council has passed

H. F. No. 53,

A bill for an act to locate and establish a Territorial road from Fort Lookout to Yankton,

And I herewith return the same.

The council have passed

C. B. No. 80,

A Bill for an act, supplementary to an act to increase the apportionment in the legislative assembly of the Territory of Dakota, approved Jan. 9th, 1863.

JAMES TUFTS,
*Secretary.*

C. B. No. 80,

An act supplemental to an act to apportion the council and representative districts of the Territory of Dakota.

Which was read a first time.

The following communication was received from the council:

COUNCIL CHAMBER,
Jan. 9, 1863.

MR. SPEAKER:

The council have passed the following resolution:

*Resolved*, That the council will be ready to adjourn at 10 o'clock P. M., this day, the house concurring.

JAMES TUFTS,
*Secretary.*

Mr. Puett submitted the following report:

MR. SPEAKER:

Your committee on Enrollment report H. F. No. 53, as correctly enrolled.

A. W. PUETT, Ch'n.

Report adopted.

On motion of Mr. Waldron, the house of representatives adjourned *sine die*.

M. K. ARMSTRONG, *Speaker*.

R. M. HAGAMAN, *Chief Clerk*.

# ERRATA.

---

THE proceedings relative to the admission of H. A. Kennerly to a seat in the House, on the tenth day of the session, were expunged by resolution, passed on the 17th day of the session, to be found on the 71st page, as introduced by Mr. Bothun.

PAGE 38.—The resolution admitting Mr. Somers was expunged by resolution, passed on the 17th day, and to be found on the 68th page, as introduced by Mr. Bothun.

PAGE 71.—The presentation of certificate by H. A. Kennerly should be placed after the resolution expunging that portion of the proceedings relative to the admittance of the said Kennerly to a seat as member of the House.

# GENERAL INDEX.


ALLEN, J M
elected assistant clerk pro tem , 41.
took the oath of office, 42.
tendered resignation, 75
elected permanent assistant clerk, 103.

ARMSTRONG, M. K
motions by, 6, 8, 9, 14, 25, 27, 30, 31, 33, 34, 45, 56, 57, 65, 66, 79, 114, 132, 138,
excused from voting, 10, 52.
elected speaker of the house, 66.
gave notice of bills, 44 49.
introduced resolutions, 24, 34, 38, 115, 133, 138.
presented petitions and affidavits, 8, 9, 29.
submitted reports, 32, 36, 41.
remarks, 32, 67
took the oath of office, 5.

BILLS INTRODUCED. See Introduction of Bills.

BLISS, P. (Chief Justice)
administered the oath of office to the assistant clerk pro tem. 8
administered the oath of office to the messenger pro tem., 11.
administered the oath of office to the fireman pro tem , 15.

BOTHUN, L
introduced bills, 96, 126.
gave notice of bills, 88, 95, 123, 126.
introduced resolutions, 28, 29, 68, 71.
motions made by, 28, 76, 186, 188.
submitted reports, 26, 119, 122, 150, 170, 171, 211.
took the oath of office, 5.
withdrew, 35.
introduced memorials, 136.

BUCKMAN, J Y.
introduced bills, 104, 143, 209.
motions by, 43, 116, 139 204
submitted reports, 26, 71, 111, 126, 158, 169, 194, 208, 219, 220.
took the oath of office, 5
notice of introduction of bills, 135.

COMMITTEES, NAMES OF. See Reports of Committees.
Standing.
on agriculture, 30.
on counties, 30.
on corporations, 30.
on engrossed and enrolled bills, 30.
on federal relations, 30.
on internal improvements, 30.
on judiciary, 30.
on libraries, 30.
on military affairs, 30.
on privileges and elections, 30.
on schools, colleges and universities, 30.
on ways and means, 30.
on agriculture, 76.
on education, 76
on elections, 76.
on engrossment, 76.
on enrollment, 76.
on federal relations, 76.
on incorporations, 76.
on Indian affairs, 76.
on judiciary, 76.
on military affairs, 76.
on mines and minerals, 76.
on public lands, 75.
on railroads, 75.
on ways and means, 75.
In General.
of the whole on the governor's message, 105.
select on house file No 4.—68.
7.—145.
10.—149.
14.—166.

COMMMITTEES, NAMES OF— *Continued*
select on house file No 27.—184
47.—195
29 —202
select on council bill No 15 —107
19.—129.
11 —137.
52 —179
31.—188
74 —213.
3 —221.
of the whole on report of select committee, 132.
of the whole on report of select committee, 133.
to examine testimony in contested elections, 8, 9.
to ascertain the number of newspapers and the amount of postage to be allowed to members, 24
to wait upon the governor and inform him of organization, 24
to inform council of permanent organization, 24
to draft rules for the government of the house, 25.
to draft joint rules, 27
to wait upon the governor and inform him that the two houses were in joint convention, 40.
to notify council that the house was ready to go into joint convention, 80
to wait upon the governor and inform him the two houses were in joint convention, 81.
of the whole on report of committee on credentials, 138
of the whole on council bill No 14 —156.
14.—162.

DONALDSON, H. S
gave notice of bills, 42, 49, 123
motions by, 7, 25, 28, 35, 38, 39, 41, 42, 43, 46, 50, 52, 56, 57, 58, 65, 68, 69, 77, 96, 116, 121, 144, 145, 154, 186, 200, 209.
presented certificates, 9.
remarks, 76
took oath, 5.
introduced resolutions, 8, 24, 35, 93,
introduced bills and memorials, 136, 153,
submitted reports, 15, 16, 17, 18, 36, 37, 45, 95, 104, 114, 115, 134, 140 152, 157, 159, 161, 189, 191, 198, 207.

FIRST, SECOND AND THIRD READING OF COUNCIL BILLS

Of The Council.

Council bill No 1—45, 45, 124.
2—92, 98, 127.
3—187, 187
4—45, 45, 92.
5—92, 98
6—49, 51, 124.
7—92, 98
8—106, 106
9.—49, 57, 99.
10.—92, 98, 129
11.—92, 98, 163.
14—92, 98, 167.
15—97, 97, 148.
16—92, 130.
17.—92, 99, 127.
19—92, 99, 148.
21.—97, 106, 146.
22.—106, 106, 129
23—97, 106, 130.
24.—97, 106, 130.
25.—106, 106 Lost, 150
28.—106, 106, 146.
30—162, 162, 180.
31.—106, 106.
33.—136, 146.
35.—137, 137. Amended, 220. Amendments withdrawn, and bill passed, 238
38—146, 146, 180.
40.—137, 137.
42.—136, 136, 204.
43.—136, 146, 163
44.—146, 146. Indefinitely postponed, 218.
45—162, 162.
52.—175, 179, 193. Taken up, and lost. 214.
58—197, 197. Indefinitely postponed, 218
60—178, 178, 178
63.—175, 179, 179.
64.—187, 187, 187
65.—197, 197. Indefinitely postponed, 218

FIRST, SECOND AND THIRD READING OF COUNCIL BILLS—*Continued.*

Council bill No. 66—187, 187, 221
67—188, 198 Indefinitely postponed, 219.
69—213, 213, 236.
70—187, 187, 202.
71.—197, 197, 197.
72—199, 199, 237.
73—212, 212, 224.
74—213, 213, 221.
75—212, 212, 236.
76.—213, 213, 213.
78—234.
80.—242.

FIRST, SECOND AND THIRD READING OF HOUSE BILLS AND MEMORIALS.

OF THE HOUSE.

House file No. 2—68, 93.
3.—68, 93, 100
4.—68.
5.—89, 100, 108.
6.—89, 100, 131.
7.—89, 100.
8—89, 89, 89.
9.—96, 107, 149.
10.—96, 107, 181
11—96, 96 Lost, 165.
12—96, 96
13.—96, 107, 131.
14.—104, 107.
15.—104, 107, 132.
16.—115, 130, 166.
17—116, 130.
18.—124, 148
19—124, 130.
20—126, 137. Indefinitely postponed.
21—126, 126, 137.
22—127, 164 Substitute offered, 215, 216.
23—127, 148, 166.
24.—136, 164, 182.

FIRST, SECOND AND THIRD READING OF HOUSE BILLS AND MEMORIALS---- *Continued.*

House file No. 25—142, 168, 182.
26—142, 164, 186.
27.—143, 165.
28.—143, 165, 182.
29.—143, 143
30—143, 143, 198.
31—143, 143, 203.
32.—144, 144.
33.—144, 144.
34.—144, 144, 222.
35—144, 144
36.—153, 153, 185.
37.—153, 153, 184.
38—154, 154, 154.
39—154, 154, 184.
40—155, 155, 186.
41.—161, 161
42—161, 161, 185.
43.—172, 172, 199.
44—178, 178, 178.
45.—194, 194, 194.
46.—194, 194, 195
47.—195, 195, 323.
48—210, 210. Laid on the table, 222 Taken from the table, 225 Amendments, 226, 227. Read third time, 227.
49.—Rejected, 211.
50—212, 212, 212.
51—214, 214, 215.
52—224, 224, 239, and lost.
53—233, 233, 239.
54—237, 237, 237.

FRISBIE, W. W.

took the oath of office, 28
gave notice of introduction of bills and memorials, 95.
introduced bills and memorials, 104, 105, 116, 154.
introduced resolution, 144
submitted reports, 116, 123, 135, 144

GIFFORD, E W
motion by, 233
took the oath of office; 38.
gave notice of the introduction of bills and memorials, 95, 123, 143, 202, 235.
submitted reports, 104, 135, 153, 160, 169, 170, 188, 190, 201, 210, 233.
introduced bills and memorials, 178.
excused from voting, 239.

GIFFORD, D.
elected temporary sergeant-at-arms, 39.
took the oath of office, 39.

GLEESON, W E (U S. District Attorney.)
administered oath of office to members, 5.
sergeant-at-arms pro tem., 6.
chief clerk pro tem., 6.
permanent chief clerk, 21.
assistant clerk, 21.
sergeant-at-arms, 21.
fireman, 22.
messenger, 23.
G. P. Waldron, 36.
E. Gifford, 38.
temporary sergeant-at-arms, 39.
solicited to give legal opinion, 50.
gave legal opinion, 53, 54, 55.
300 copies of legal opinion ordered printed, 55.
administered oath of office to permanent chief clerk, 75.
assistant clerk, 75.
103.
communication from, enclosing certain papers, 207.

GOVERNOR'S ANNUAL MESSAGE, 81.
referred to committee, 88.
ordered printed, 88.
communications from, 206,
230,
240,
241.

HAGAMAN, R. M.
Elected chief clerk pro tem., 6.

HAGAMAN, R. M.— *Continued.*
elected assistant clerk, 21.
permanent chief clerk, 75.
took the oath of office, 6.
21.
75.

HALVERSON, T.
Elected permanent messenger, 23.
took the oath of office, 23.
re-elected messenger, 175.
took the oath of office, 175.

HIGH, W.
elected temporary sergeant-at-arms, 6.

HUTCHINSON, J. (Secretary of the Territory.)
called the roll of members, 5.
communication from, relating to postage and newspapers for members of the house, 27.
communication from, relating to the registers of deeds in the several counties, 109.
communication relative to appropriations, 191.

HARLAN, A. J.
motions by, 57, 68, 78, 79, 88, 89, 101, 119, 122, 125, 128, 133, 137, 151, 174, 180, 182, 224, 225, 228, 232, 234, 235, 236, 237, 239.
took the oath of office, 5.
elected speaker pro tem, 6.
permanent, 19.
resigned, 66.
gave notice of bills and memorials, 95, 104, 136, 127.
introduced bills, 127, 155.
submitted reports, 108, 109, 110, 111, 112, 113, 114, 119, 126, 142, 158, 172, 190, 194, 201, 208, 211, 218, 219.
excused from voting, 69, 70, 239.
remarks, 19.
introduced resolutions, 96, 230.
withdrew amendment, 238.

## INTRODUCTION OF BILLS AND MEMORIALS.

### Of the Council.

Council bill No. 1: Act to amend section six of chapter twenty-three of the code, 44.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

Council bill No. 2: Act to establish a seal for the Territory of Dakota, 44.

3: A bill for an act to provide for the public printing, 181.

5: Act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon the lands of the United States, under certain circumstances, 90.

6: Act to encourage the erection of mill dams and mills, 48.

7: Act to regulate and encourage the drainage of lands, 90.

8: A bill for an act for the partition of real property, 102.

9: Act prescribing the general duties of the territorial treasurer, 48.

11: Act incorporating the Racine, Ameni transportation and mining company, 90.

14: Act to authorize the formation of the mining, manufacturing and banking company of North America, 91.

15: Memorial for a military post on the Big Sioux river, 94.

17: Act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory, 91.

19: Act authorizing F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river, at Yankton, 91

21: A bill for an act regulating hours of manual labor, 94.

22: A bill for an act to designate certain holidays, 106

23: Act for the protection of owners of saw logs in this territory, 94.

24: Act to secure the free passage of logs and lumber down the several rivers of this territory, 94.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

Council bill No. 25: Joint resolution relative to a geological report, 102.

28: A bill for an act to provide for the taking up of water craft found adrift, and for other purposes, 102.

30: A bill for an act defining the courts and jurisdiction of justices of the peace, 154.

31: A bill for an act changing the time of holding United States district courts in the several districts of the Territory of Dakota, 102.

33: A bill for an act regulating search warrants and proceedings thereon, 128.

35: A bill for an act entitled an act for removal from office, 128.

38: A bill for an act to authorize and regulate the adoption of children, 139.

40: Memorial to the Congress of the United States in relation to compensation for losses by Indian depredations, 128.

42: A bill for an act to dissolve the marriage contract between Matilda Irwin and John A. Irwin, 134.

43: A bill for an act concerning the construction of statutes, 128.

44: A bill for an act regulating the disposal of property stolen or embezzled, 139.

45: A bill for an act to provide for contested elections, 151.

52: A bill for an act defining the council and representative districts in Dakota Territory, and apportioning the representation thereof, 164.

58: Act concerning amendments and jeofails, 195.

59: Memorial to Congress for an appropriation for capitol buildings, 164.

60: A bill for an act providing for the printing and distributing of the laws and journals, 176.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

Council bill No. 63: A bill for an act locating the county seat of Clay county, Dakota Territory, 164.

64: Memorial and joint resolution to Congress, praying that section fourteen of an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean, and to secure to the Government the use of the same, for postal, military, and other purposes, approved July 1st, 1862, may be amended, 181.

65: Act providing for county roads, 196.

66: A bill for an act to amend section forty-nine of chapter thirty-two of the code, 182.

67: A bill for an act to dissolve the marriage contract heretofore existing between William Hammond and Marietta Hammond, 182.

70: Memorial to the Secretary of War on the subject of Indian affairs in Dakota Territory, 182.

71: Memorial to the Congress of the United States, asking military protection, and recommending the establishment of a line of military posts from Fort Abercrombie to St Joseph, Kitson county, Territory of Dakota, 196.

72: Act providing a criminal code for the Territory of Dakota, 198.

73: Act providing for filling vacancies in office, 206.

74: Memorial to the honorable Secretary of the Treasury of the United States, praying that the direct tax of Dakota Territory may be taken out of the appropriation for legislative expenses for the years 1862-3, 205.

75: Act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota, 206.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

Council bill No. 76: Act concerning the right of appeal in certain cases, 209.

78: Act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein, and for other purposes, 229.

80: Act supplementary to an act to increase the apportionment in the legislative assembly of the Territory of Dakota, approved January 9th, 1863, 242.

OF THE HOUSE.

House file No. 1: Act to locate the county seat of Cole county, 51.

2: Act legalizing the official acts of N. J. Wallace as register of deeds of Cole county, 68.

3: Act conferring the rights of citizenship on Walter Arcon, 98.

4: Act extending the boundaries of Cole county, 68,

5: Memorial and joint resolution relative to making Fort Fandall a distributing post, 89.

6: Memorial and joint resolution praying Congress to amend section two of the act providing for a temporary government for the Territory of Dakota, 89.

7: Memorial relative to public surveys in Dakota Territory, 89.

8: Memorial asking military protection from Brigadier Genaral Cook, 89.

9: Act prohibiting the sale of spirituous liquors on Sunday, 96.

10: Act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf, 96.

11: Act to amend an act to designate the time of holding the general elections, and provide for the election of delegate to Congress, 96.

12: Act to change the name of Torbjorn W. Torrison, 96.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

House file No. 13: Act to change the name of Nels W. Wekingson, 96.
14: Act to exempt certain lands, and the improvements on the same, from taxation, to encourage the growth of timber, 104.
15: Act relating to settlers on the public lands, 104.
16: A bill to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, 115.
17: Act to amend an act entitled an act to establish Cole county, 116.
18: Act for the punishment of offenses against property, 124.
19: Act concerning debtors and their sureties, 124.
20: Act to provide for the recovery of lost money and goods, 126.
21: A bill for an act for for the establishment of Clay county, 126.
22: A bill dividing the Territory of Dakota into council and representative districts, apportioning the councilmen and representatives thereof, also fixing the qualifications of the members of the legislature, 127.
23: Joint resolution and memorial to Congress, asking for an increase of pay of common soldiers, 127.
24: Memorial to establish a military road from Fort Ridgley, in Minnesota, to Fort Randall, in Dakota Territory, 136.
25: Memorial to the Congress of the United States in relation to compensation for losses by Indian depredations, 136.
26: Joint resolution endorsing the administration of Abraham Lincoln, 142.
27: Act concerning aliens, 143.
28: Memorial to Congress for the establishment of a mail route from Mankato, in Minnesota, 143.
29: Act to regulate enclosures and partition fences, 143.
30: Act to regulate the setting of prairie fires, 143.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

House file No. 31: Memorial to the Secretary of the Interior and Commissioner of Indian Affairs, for the appointment of a special agent to adjust the claims of citizens of Dakota Territory who have sustained losses by Indian depredations, 143.

32: Act to punish willful and malicious trespass by imprisonment, 143.

33: Act to prevent the commission of waste upon encumbered real estate, 143.

34: Act relative to action for illegal seizure of personal property under attachment or upon execution, 143.

35: Act to provide for the registration of the legal voters of the territory, 144.

36: Act supplementary to an act entitled an act for the regulation and support of common schools, 153.

37: Memorial to the Congress of the United States relative to the building of a fort in the Valley of Red River, 153.

38: Act granting to Ellis Wall a ferry charter across the Missouri river, 154.

39: Memorial to the Post-Master General, 154.

40: Act granting a ferry charter to H. S. Kelley, across the Vermilion river, in Clay county, 155.

41: Act to preserve the purity of elections, and prevent ballot box stuffing, 161.

42: Memorial to Congress asking an appropriation of lands for the University of Dakota, 161.

43: A bill for an act to incorporate the University of Dakota, 172.

44: Memorial to Congress asking for an amendment to an act entitled an act to secure homesteads to actual settlers on the public domain, 178.

45: Act to locate the county seat of Cole county, 194.

46: Act to locate a territorial road from Yankton to the Big Sioux river, 194.

INTRODUCTION OF BILLS AND MEMORIALS.—*Continued.*

House file No. 47: Act granting a ferry charter across the Dakota river to J. B. Greenway, 195.

48: Act to amend an act prescribing the manner of conducting elections, of the canvass and return of the same, 209.

49: Memorial to the President of the United States, asking for the removal of G. M. Pinney as U. S. Marshal, 211.

50: Act to amend an act entitled an act to provide for the compensation of officers, 212.

51: Act concerning the judicial districts of the territory, and fixing the time for holding the courts, and other purposes, 214.

52: Act establishing the boundaries of Todd county, 224.

53: Act to locate and establish a territorial road from Yankton to Fort Lookout, 233.

54: Act to legalize the acts of the board of county commissioners and register of deeds of Clay county, Territory of Dakota, 237.

JACOBSON, J. A.

took the oath of office, 5.

motion by, 78.

gave notice of introduction of bills, memorials, &c., 91.

introduced bills and memorials, 96.

submitted reports, 34, 100, 114, 115, 135, 141, 152, 153, 169, 189, 207, 210, 220.

JACOBSON, G.

elected permanent sergeant-at-arms, 21.

took the oath of office, 21.

re-elected sergeant-at-arms, 174.

JOHNSON, R. M.

motions by, 38, 48, 99, 155, 183, 214, 230, 234.

took the oath of office, 29.

gave notice of the introduction of bills and memorials 44, 91, 135, 136.

introduced bills and memorials, 96, 143.

submitted reports, 104, 115, 116, 134, 135, 144, 153, 160, 170, 171, 188, 189, 190, 201, 210, 211, 233.

JOINT CONVENTIONS AND JOINT COMMITTEES.
joint committee to wait upon the governor, and inform him of the permanent organization of the house, 24.
joint committee on rules, 27.
report, 34.
convention, 40.
dissolved, 41.
80.
committee to wait on the governor and inform him the two houses were in joint convention, 81.
joint committee report, 81.
dissolved, 88.

KENNERLY, H. A.
introduced resolution, 50.
gave notice of the introduction of bill, 51.

LARSON, K.
took the oath of office, 5.
gave notice of introduction of bills and memorials, 91.
submitted reports, 119, 134, 191, 218, 219.

LAWRENCE, J. R.
elected messenger pro tem., 11.
took the oath of office, 11.

LITCHFIELD, L. H.
took the oath of office, 29.
introduced resolution, 32.

MEMBERS OF THE HOUSE, 3.
names, county, post-office address, occupation, age, nativity, weight, settled in Dakota, 3.

MESSAGES FROM THE COUNCIL.
informing house of permanent organization, 26.
the appointment of committee to wait upon the governor, 27.
relating to drafting joint rules, 28.
informing the house of meeting in joint convention, 34.
the passage of council bills Nos. 1 and 4—44.

MESSAGES FROM THE COUNCIL.—*Continued.*

informing the house of the passage of council bills Nos. 6 and 9.—48.
meeting in joint convention.—73.
the passage of council bills Nos. 2, 5, 7, 10, 11, 14, 17 and 19.—90, 91.
the passage of council bills Nos. 15, 21, 23, 24.—94.
the passage of house file No. 8.—97.
council bills Nos. 8, 25, 28, 31.—102.
council bill No. 22.—106.
bills Nos. 40, 35, 43, 33, and house files Nos. 5, 12.—128.
bill No. 42.—134.
bills Nos. 38, 44.—139.
concurrence in house amendments to council bills Nos. 1, 2.—139.
informing the house of the passage of council bill No. 45.—151.
house files Nos 3 and 23, and house file No 6 with amendments.—152.
ordering two hundred copies of the report on Indian affairs —152
the passage of council bill No. 30.—154.
bills Nos. 52, 63, 59.—164.
house file No. 21, and rejected.
house file No. 9.—164, 165.
of council bill No. 60.—176.
council bills Nos. 3, 64, 66, 67, 70, 31.—181, 182.
house file No 44, 184.
council bills Nos. 58, 71—196.

MESSAGES FROM THE COUNCIL.—*Continued.*

informing the house of the passage of house files Nos. 37, 28, 24, 10, 42.—196.
informing the house of the passage of council bill No. 72.—198.
house files Nos. 45, 46.—200.
council bills Nos. 74, 52.—205. Also, house files Nos. 31, 39.—205. Also, council bills Nos, 73, 75.—206. Also house bills Nos. 38, 43.—206.
house file No. 25.—209. Also council bills Nos. 69, 76.—209.
house file No. 23.—220.
files Nos. 22, 51.—223.
council bill No. 78.—229.
concurrence in house amendments to council bill No. 66.—231.
the passage of house bill No. 53.—241.
council bill No. 80—241.
relative to adjournment.—242.

NAMES OF MEMBERS, 3.
their age, occupation, &c., 3.

OFFICERS OF THE HOUSE, 3.
their names, age and nativity, 3.

PAINE, J. L.
elected chaplain pro tem., 9.
elected chaplain, permanent, 22.

PRESHO, J. S.
elected fireman pro tem., 12.
took the oath of office, 13.
elected permanent fireman, 22.
took the oath of office, 22.

PEASE, F. D.
took the oath of office, 79.
gave notice of the introduction of bills and memorials, 142.
introduced bills and memorials, 154, 233.
motion by, 231.
submitted reports, 123, 144, 161.

PETITIONS.
of N. J. Wallace, claiming seat, 8.
of F. D. Pease, " " 8.
of H. A. Kennerly, " " 9.
of M. H. Somers, " " 9.
of R. M. Johnson, " " 9.
of E. Gifford, " " 9.
of G. P. Waldron, " " 9.
of M. H. Somers, " " 29.
of E. Gifford, " " 31.
of H. A. Kennerly, " " 71.
of B. M. Smith, to vindicate his character, 118.
of M. H. Somers, claiming seat, 118.

PUETT, A. W.
motions by, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 21, 23, 25, 28, 32, 69, 71, 72, 73, 75, 77, 79, 80, 93, 103, 107, 121, 138, 155, 156, 157, 167, 172, 173, 196, 211, 218, 227, 228, 230, 234.
introduced resolutions, 24, 31, 71, 72, 88, 202, 231, 241.
gave notice of the introduction of bills and memorials, 88, 91, 104, 126, 153, 161, 237.
submitted reports, 26, 103, 104, 108, 110, 122, 126, 135, 145, 146, 150, 152, 158, 160, 161, 169, 170, 171, 189, 190, 201, 203, 207 208, 210, 218, 219, 228, 232, 233, 238, 242.
excused from voting, 35.
introduced bills and memorials, 89, 124, 126, 142, 144, 161, 172.
presented certificates, 8.
remarks, 111.
took the oath of office, 5.
withdrew, 13, 35.

REPORTS OF COMMITTEES.
of select committee on contested elections, 15, 16, 17, 18.

REPORTS OF COMMITTEES.—*Continued.*

of select committee on rules, 25.
of select committee on postage and newspapers, 26.
of select committee to notify the governor of the organization of the house, 33.
of select committee on contested elections, 36, 37.
of select committee to inform the council the house was ready to go into joint convention, 39.
of select committee to the council, 40.
of joint select committee to wait upon the governor, 41.
of joint select committee on rules, 41.
of joint select committee on rules, 42.
of select committee to draft rules for the house, 44.
of select committee on joint rules, 46, 47.
of committee of the whole on rules, 56.
of select committee on rules of the house, 58, 59, 60, 61, 62, 63, 64.
of majority of select committee on contested elections, 77.
of minority of select committee on contested elections, 77.
of select committee to establish a seal for the territory, 77.
of joint select committee to wait upon the governor to inform him the two houses were in joint convention, 81.
of ways and means on council file No. 9.—95.
of engrossment on house file No. 3.—100.
of military affairs on house file No. 5.—103.
15.—103.
council file No. 15.—103.
of enrollment on council bill No. 4.—104.
of the whole on the governor's message, 105.
minority on contested elections, 110, 111, 112, 113, 114.
of ways and means, of council bill No. 7.—114.
of select committee, on council bills Nos. 17, 19.—115.
of public lands, on council bill No. 7—116.
mines and minerals, majority, on council bill No. 14.—119.
" " " minority, " " " " " —119.
federal relations, on council bills Nos. 10, 23, 24.—122.
house file No. 6.—122.
of select committee on council bill No. 2.—122,
public lands, on house file No. 15.—123.
education, on council bill No. 22.—123
elections, on house file No. 13.—126.

REPORTS OF COMMITTEES.—*Continued.*

incorporations, on council bill No. 11 —134.
agriculture, on house file No. 9.—134.
towns and counties, on house file No. 21.—135.
select, on council bill No. 21—140.
enrolled bills, on house files Nos. 3, 5, 12.—135.
Indian affairs, on house file No. 25.—140, 141.
engrossment, on house file No 9.—141.
of select committee, on council bill No 19.—141, 142.
of select committee, on house file No. 4.—142.
public lands, on house file No. 7, 144.
enrollment, on council bill No. 6 —145.
judiciary, on house file Nos 10, 11, 16.—146.
council bills Nos. 15, 28, 31, 8.—146.
federal relations, on council bill No 25.—150.
on house file No. 19.—150.
of select committee, on house file No. 14.—152.
judiciary, on house file No 23.—152.
council bill No. 43.—152.
engrossment, on house files 11, 16 —153.
enrollment, on council bills Nos. 1, 2, 3, 10, 22, 23, 24.—153.
of the whole, on council bill No. 14.—156.
enrollment, on house file No. 8.—158.
majority report of committee, elections, 158, 159.
of select committee, on council bill No. 11.—160.
enrollment, on council bills Nos. 17, 21, 15, 19, 28.—160.
of select committee, on house file No. 7.—161.
judiciary, on council bill No. 31.—161.
of the whole, on council bill No. 14.—162.
education, on house file No. 36 —169.
engrossment, on house files Nos. 25, 37, 39.—169.
judiciary, on house file No 18 —169.
council bill No. 5.—169.
35.—170.
house file No. 27.—170.
enrollment, on house files Nos. 3, 6, 13.—170.
federal relations, on joint resolution, 170.
house file No. 24.—171.
memorial, house file No 28.—171.
public lands, on house file No. 42 —171.
judiciary, on council bill No. 30.—177.

REPORTS OF COMMITTEES.—*Continued.*

enrollment, on council bills Nos. 11, 43.—177.
house file No. 21.—177.
of select committee, on house file No. 10.—178.
enrollment, on council bill No, 59.—188.
judiciary, on house file No. 32.—189.
incorporations, on house file No. 43 —189.
agriculture, on house file No. 30.—190.
enrollment, on house files Nos. 8, 5, 12, 6, 13, 3, 21.—190.
enrollment, on council bills Nos. 30, 38, 60, 63.—190.
select committee, on council bill No. 52.—191.
house file No. 27.—193
47.—198.
agriculture, on house file No. 29.—201.
Indian affairs, on house file No. 31.—201. Also, council bills Nos. 40, 70.—201.
enrollment, on council bill No. 64.—201. Also, house files Nos. 24, 28, 42, 44.—201.
judiciary, on council bill No. 42 —203.
committee, on printing council bill No. 3.—207.
judiciary, on house files Nos. 33, 2, 34, 20.—207. Also, council bills Nos. 33, 35.—207.
elections, on house file No. 35.—208.
elections, on council bill No. 45.—208.
house files Nos. 41, 42.—208.
of select committee on house file No. 29.—210.
engrossment, on house file No. 47:—210.
enrollment, on house files Nos. 10, 45, 46: Also, council bills Nos. 42, 70, 71.—210.
select, on council bill No: 31.—211.
judiciary, on council bill No. 44.—218.
internal improvements, on council bills Nos. 58, 65.—218.
elections, on council bill No. 66.—219.
select committee, on council bill No. 74.—219.
internal improvements, on council bill No: 67.—219.
engrossment on house file No. twenty-two, 220.
enrollment, on house files Nos. 10, 45, 46.—228.
No. twenty-two, "
judiciary, on council bill No. sixty-nine, "
seventy-two,—232.
military affairs, on council bill No. 75, "

REPORTS OF COMMITTEES.—*Continued.*

engrossment, on house file No. 48—233.
enrollment, on council bills Nos. 73, 74, 76—233.
house files Nos. 31, 43, 23, 25, 38, 51—233.
house file No 22—238.
council bill No. 35—238.
house file No. 53—242.

RESOLUTIONS.

for the adoption of joint rules of last general assembly, 8.
for a committee to wait upon the Secretary, 24.
for chief clerk to notify council of organization, 24.
for a joint committee to wait upon the Governor, 24.
for the chief clerk to notify the council of the officers elect, 24.
relating to N. J. Wallace's and Wm. H. Frisbie's right to seats, 28.
relating to L. H. Litchfield's and R. M. Johnson's right to seats, 29.
relating to F. D. Pease's right to seat, 31.
Henry Hartsough's right to seat, 32.
William Frisbie's right to seat, 38.
Laban Litchfield's right to seat, 38.
the absence of the officers of the house, 49.
requesting opinion of U S. States District Attorney, 50.
relative to expunging from the journal, 68, 71, 72.
inviting the council to meet the house in joint convention, 72.
relative to response from the council, 73.
printing Governor's message, 88.
tendering thanks to Hon. A. J. Harlan, 93.
requesting the Secretary to furnish information, 96, 97.
relative to contested seats, 115
relative to expunging from the journal, 138.
relative to the reports of committees, 144.
relative to time occupied in speaking, 172.
relating to removals from office, 172.
asking information from the Secretary, 173.
authorizing the sergeant-at-arms to obtain papers from U. S. District Attorney Gleeson, 202.
relative to adjournment, 230.
relative to a suspenson of the rules, 231.
relative to vote of thanks to officers, 241.

RESOLUTIONS.—*Continued.*
relative to vote of thanks to speaker, 241.
from the council, relative to adjournment, 242.

SECOND READING. See First, Second and Third Reading.

SMITH, B. M.
elected chief clerk of the house, 20.
took the cath of office, 21.
tendered resignation 74.
communication from, 117, 118.

SOMERS, M. H.
motions by, 42, 184, 224, 230, 231.
excused from voting, 239.
gave notice of the introduction of bills and memorials, 44, 56, 194, 199
introduced bills and memorials, 57, 67, 68, 211.
took the oath of office, 160.
submitted reports, 190, 194, 201, 211.

STEPHENS, W.
elected messenger, 39.

STONE, J. M.
elected assistant clerk, 76.
took the oath of office, 76.
tendered resignation, 102.

THIRD READING. See First, Second and Third Reading.

WALDRON, G. P.
motions by, 36, 38, 39, 41, 55, 65, 68, 78, 116, 117, 125, 129, 132, 137, 154, 157, 168, 173, 174, 180, 191, 192, 193, 195, 196, 201, 211, 217, 224, 234, 238, 242.
took the oath of office, 36.
gave notice of the introduction of bills and memorials, 45.
introduced resolutions, 49, 101.
introduced bills and memorials, 195.
submitted reports, 56, 108, 122, 141, 142, 150, 160, 170, 198, 211, 218, 219.
excused from voting, 124.